

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

HEARINGS BEFORE THE SELECT COMMITTEE ON ASSASSINATIONS OF THE U.S. HOUSE OF REPRESENTATIVES NINETY-FIFTH CONGRESS SECOND SESSION

NOVEMBER 13, 14, AND 15, 1978

VOLUME V

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INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

MONDAY, NOVEMBER 13, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, at 9:05 a.m. in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Sawyer, Fithian, and Edgar.

Also present: G. Robert Blakey, chief counsel and staff director; Edward H. Evans, chief investigator; Peter Beeson, staff counsel; Ronald Adrine, staff counsel; I. Charles Mathews, special counsel; and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

It would be appropriate now to turn to two other subjects connected with the issue for a possible complicity in Memphis; the CB radio broadcast and the alleged cutting down of trees and foliage in an effort to frame James Earl Ray.

A series of mysterious citizen band radio broadcasts, shortly after the assassination, have raised substantial questions of a possible conspiracy.

Though rather than official conspiracy, if in fact they had a sinister purpose, it may be more likely that they were designed to confuse units of the Memphis police in their pursuit of the assassin.

I would request at this time, Mr. Chairman, that Martin Luther King exhibit F-180 be inserted into the record and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



Mr. BLAKEY. It is a street map of Memphis. It is possible by examining this map to follow the alleged high-speed chase.

At about 6:36 p.m., some 35 minutes after Dr. King was shot, an unidentified CB operator announced over channel 17 that he was chasing a white Mustang in which Dr. King's killer was riding.

He described the route of the pursuit as east on Summer Avenue, from Parkway at a high rate of speed.

Mr. Chairman, that can be seen as moving from points one through four.

The CB operator requested assistance in the form of a landline to the police department. The broadcast was picked up by a number of CB operators, including two individuals, Carroll Satchfield and a William H. Austein.

Carroll Satchfield's location can be seen at A, at the intersection of Cooper and Union. We will return to Mr. Satchfield in a moment.

Mr. Austein spotted a police—who was located approximately at place B—spotted a police cruiser driven by Lt. Rufus Bradshaw at the intersection of Jackson Avenue and North Hollywood Street.

Having informed the unidentified operator he would do so, Mr. Austein began relaying the transmissions to Lieutenant Bradshaw and back to police headquarters.

In response to Austein's request for a location, the operator stated shortly later he was still in pursuit of the Mustang, going east on Summer—that is moving from one to four—and in two subsequent transmissions he said he was in a blue Pontiac still going east on Summer, then north on North Mendenhall Road—that is toward point four.

Two more transmissions followed: 6:14 p.m., proceeding north on Jackson Avenue toward Raleigh, a suburb northwest of Memphis—that is from points five to six—and 6:44 p.m., chasing the Mustang through a red light at Jackson Avenue and Stage Road, going 95 miles an hour. This is approximately point six.

At this point in time, the Memphis police, according to testimony of officials, began to suspect that the chase was a hoax. A sheriff's department unit stationed at the intersection of Jackson Avenue and Stage Road informed the police dispatcher that no white Mustang or a blue Pontiac had passed by. This is between points five and six.

At about 6:45 p.m. the mysterious pursuit—pursuant reported he was being shot at by the occupant of the Mustang as they were heading north on Austin Peay Highway. His final transmission indicated that he was approaching Millington Road at approximately point seven.

After an exhaustive investigation, the evidence developed by the committee points toward the following conclusions:

The broadcast in fact was probably a hoax; that is, it reported something that did not occur, as evidenced by the following: (a) the failure of the operator to identify himself; (b) the absence of a single report of the chase that would have lasted for about 10 minutes at speeds averaging 78 miles per hour; and (c) the negative observations of sheriff's deputies at Jackson Avenue and Stage Road at the moment the operator reported he was passing by the intersection at 95 miles per hour.

The identity of the mysterious CB operator and his location, however, cannot be firmly determined, despite a concerted effort by the committee that included such measures as: (a) identification of operators who overheard the broadcast; (b) the plotting of the positions of these operators; and (c) a technical analysis of the equipment used by these operators with the assistance of the Federal Communications Commission.

In addition, Mr. Carroll Satchfield, whose testimony in 1968 was the source of a probable identification by the FBI and the Memphis

Police Department, is no longer willing to focus responsibility on the individual that he did so in 1968.

In addition, that individual has made available to the committee evidence indicating that he did not make the broadcast and indeed has so testified before the committee through a designated counsel's statement under oath that he did not.

On the issue of whether the broadcast was issued by assassination conspirators to throw the police off the trail of the assassin, as opposed to a cruel and crude joke, the evidence points in more than one direction.

Factors can be used to argue for and against the broadcast being part of a conspiratorial plot. Factors that indicate it was not a conspiratorial act include the broadcast came a full 35 minutes after the assassination, at a time when Dr. King's killer would have had ample time to get out of Memphis.

With regard to the timing of the broadcast, a description of James Earl Ray's white Mustang had already been broadcast over the police radio at 6:10. So, a CB operator who had been monitoring police calls would have had a description of the automobile.

The broadcaster did not utilize the best means of penetrating the police network, since channel 17 was one of the lesser used CB frequencies.

Factors indicating it was a conspiratorial act include the mysterious broadcaster asked for a landline relayed to police headquarters, a request that suggests he had something more in mind than a hoax; and the broadcaster did attempt to lead police to a chase underway in the northern part of Memphis, while the most accessible route out of town from the vicinity of the Lorraine Motel was to the south, the direction that the committee believes James Earl Ray in fact followed.

Finally, on the subject of official complicity in Memphis, the committee investigated the allegation that trees and shrubs behind the roominghouse at 422½ South Main Street were cut down on the day following Dr. King's assassination.

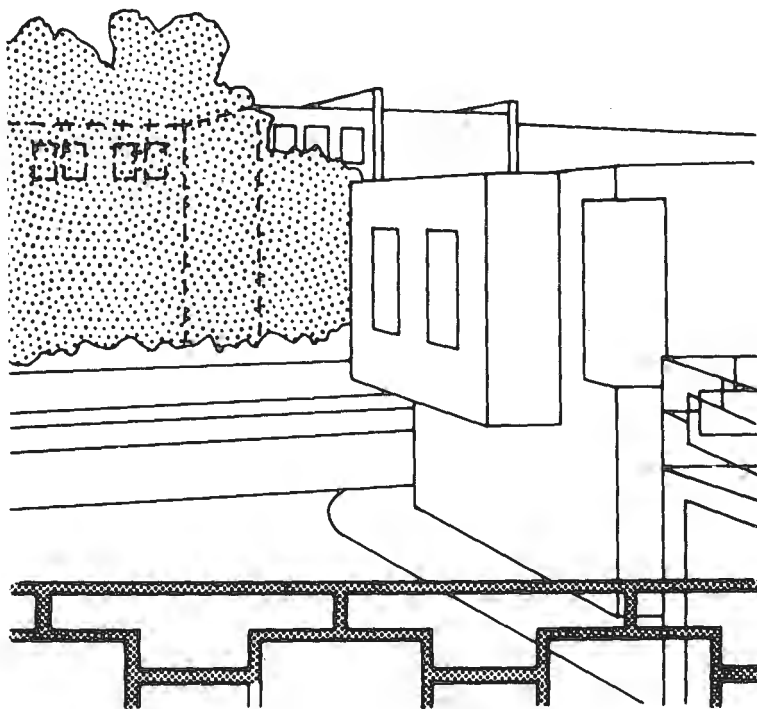
The reason, so the theory goes, was to remove obvious obstacles to someone firing from the second floor bathroom window of the roominghouse at 306 of Lorraine.

As critics like Mark Lane have contended, officials who wish to establish that James Earl Ray, shooting from the bathroom, was the killer, would have had reason to remove the trees and shrubs that indicated Ray's innocence.

Mr. Chairman, at this point I would request that Martin Luther King exhibit F-181 be inserted in the record at this time and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



Drawing By Adam Schneider

The view from the balcony in front of Room 306 at the Lorraine Motel. The building to the left rear is 422½ South Main Street. The rear of the building which faces the motel is completely blocked by bushes and trees and cannot be seen from the Lorraine Motel. Yet it is that building that provides the entrance to the rooming house. One may pass through 422½ South Main and then enter the building which does overlook the Lorraine Motel.

MLK EXHIBIT F-181

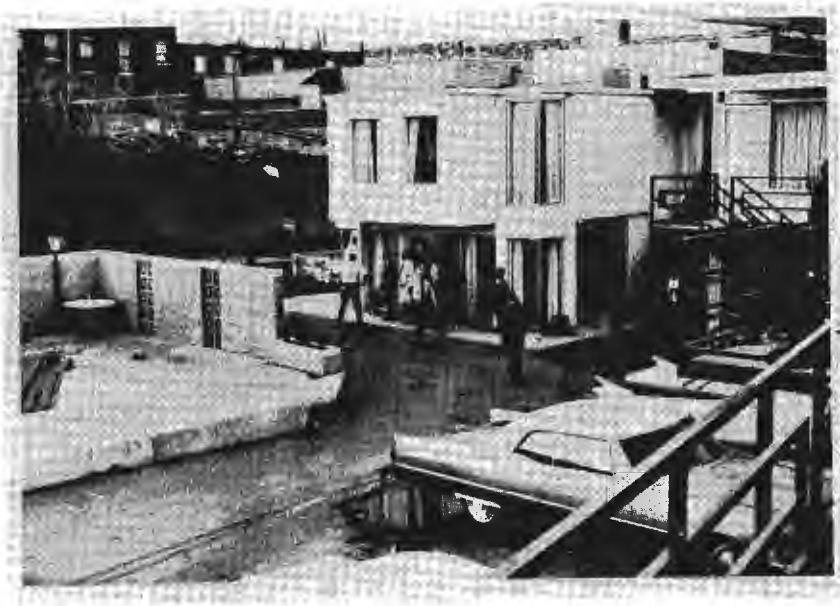
Mr. BLAKEY. It is a blowup of page 170 of Mr. Lane's book, Code Name "Zorro," in which he has shown by use of an illustration how the trees and shrubs blocked the view from the bathroom to the Lorraine.

The committee, however, has developed evidence from witnesses and photographs taken moments after the assassination that Mr. Lane is wrong.

I would ask, Mr. Chairman, at this point that Martin Luther King exhibit F-182 be inserted in the record and appropriately displayed.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



MLK EXHIBIT F-182

Mr. BLAKEY. This is a photograph taken by Mr. Joseph Louw, an African student who was staying at the Lorraine.

As can be seen from Mr. Louw's photo, the line of fire from the bathroom window to room 306 of the Lorraine is not obstructed.

It can also be seen in this photograph that this was taken moments after the assassination, for Dr. King's body can be seen on the lower right-hand corner of the photograph.

I would also ask, Mr. Chairman, that Martin Luther King exhibit F-15C be inserted in the record and appropriately displayed. It is a photograph taken on April 5, 1968, by the Memphis Police Department from the second floor bathroom window, looking toward the Lorraine Motel. This photograph also shows an unobstructed line of fire to room 306.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



MLK EXHIBIT F-15C

Mr. BLAKEY. The committee has also checked the records of the Memphis Sanitation Department and the Department of Parks, and has found no indication of trees and shrubbery in question having been cut down in the aftermath of the assassination.

It would be appropriate, Mr. Chairman, at this time, to return to a different subject; that is, the escape and capture of James Earl Ray.

One of the more troubling aspects of the King assassination is the manner of Ray's escape from Memphis and flight through Canada to Europe, as well as his ability to elude authorities over 2 months.

Critics of the original FBI investigation and the official conclusion that Ray acted without assistance have pointed to the seeming improbability that a smalltime holdup man—at that, one who has an established record of ineptitude in his criminal endeavors—would have been able to act with the apparent precision of a sophisticated criminal.

Of particular significance is the apparently smooth way that Ray was able to obtain a Canadian passport through the use of aliases that allowed him to flow to Toronto, to London, on to Lisbon, and back to London in May 1968, and successfully defy a massive manhunt until he was finally captured on June 8 at London's Heathrow Airport.

Clay Blair, in his book "The Strange Case of James Earl Ray," states flatly that:

... Ray made contact with an underworld ring dealing in forged passports and papers, a ring that had lists of respectable Canadian citizens who did not already have passports.

Critical author David Lifton subscribes to the theory that Ray contacted a professional alias ring, although he surmises the ring probably had nothing to do with the assassination itself.

By his own account, Ray drove from Memphis to Atlanta after the assassination, arriving there on the morning of April 5. He abandoned his white Mustang and boarded a bus for Cincinnati, then went to Toronto, via Detroit, by bus and train.

Why Ray, though his ultimate destination was Canada, risked going out of his way to Atlanta when he knew his Mustang was the subject of an all-out search, since it had been seen fleeing Memphis, remains unknown.

Ray also says he checked into a roominghouse at 102 Ossington Street, Toronto on April 6, although the landlady there gives the date as April 8. He stayed in Toronto for a month, at the Ossington Street roominghouse and at one at 962 Dundas Street.

While he was in Toronto, Ray added two bogus identities to his list of aliases, and with one of them—the name of Ramon George Sneyd—he was able to obtain a Canadian passport on May 2, although the name Sneyd was misspelled on the passport.

On May 6, he flew to London, having purchased a round trip ticket from Toronto on April 16. He stayed in London only a few hours, then departed for Lisbon, from where he tried unsuccessfully to get to Africa and where he acquired a second Canadian passport, one with his alias spelled correctly.

He returned to London on May 17 and lived there for 3 weeks until his arrest.

As a blueprint for its investigation of Ray's escape, the committee utilized earlier accounts of it, from the FBI, the RCMP and from news accounts. Particular attention was paid to a reconstruction of how Ray obtained a Canadian passport in the name of Ramon George Sneyd.

Four aliases used by Ray, two before and two after the assassination of Dr. King, are in fact the actual names of living Canadians, all of them residents of Toronto.

Three of them—Eric S. Galt, Paul Edward Bridgman and Ramon George Sneyd—lived in 1967-68 within a few miles of each other in the suburb of Scarborough while the fourth, John Willard, lived in greater Toronto.

Moreover, all four were generally similar in appearance—Caucasian, medium build, dark hair—and each had physical attributes not unlike those of Ray.

Ray has maintained he acquired these false identities without help from anyone, but several observers have theorized that there are too many coincidences in the selection process for this to have been possible.

In a June 11, 1968, New York Times report, a Royal Canadian Mounted Police officer is cited for an opinion that Ray could not have come into the city cold and secured the aliases.

The Times story continued:

Police sources note that Ray used the loopholes known to espionage agents, narcotic agents and other underworld figures to enter and leave the country.

Two days later, a Times article by the same reporter carried a RCMP conclusion that Ray had organized support in making his getaway through Canada.

The committee's investigation was designed to produce as much information as possible about Ray's acquisition of aliases in Canada, to determine if there is evidence, either in Canada or Europe, of a payoff to Ray for the King assassination, as well as other issues bearing on motive and conspiracy.

To present a report on the committee's investigation of Ray's escape, Edward Evans, chief investigator of the King task force, is here to testify.

Mr. Evans was in charge of the committee's examination of the evidence bearing on Ray's escape. In his report, he will focus on the issue of Ray's aliases and his finances as the committee looked into them in Canada, Portugal and Great Britain.

It would be appropriate at this time, Mr. Chairman, to call Mr. Edward Evans.

Chairman STOKES. The committee calls Mr. Edward Evans.

Mr. Evans, will you stand and be sworn.

Do you solemnly swear the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. EVANS. I do.

Chairman STOKES. Thank you. You may be seated.

TESTIMONY OF EDWARD EVANS, CHIEF INVESTIGATOR, DR. MARTIN LUTHER KING, JR., TASK FORCE

Mr. EVANS. Good morning, Mr. Chairman, members of the committee.

Chairman STOKES. Good morning, Mr. Evans.

Mr. EVANS. In its attempt to answer questions about Ray's flight and determine whether he had any assistance, either before or after the assassination of Dr. King, the committee retraced his movements.

This necessitated trips to, among other places, Canada, Portugal, and Great Britain. Each nation presented its own difficulties because of diplomatic requirements, internal rules and regulations and time and financial constraints.

The committee, of course, had to work within the confines of the laws of the countries visited during the course of the investigation.

As the committee has no subpoena powers outside the United States, the cooperation of all witnesses in Canada, Portugal, and England was totally voluntary, and some potential witnesses declined to be interviewed.

After serious negotiations at several diplomatic and operational levels, investigative trips to Canada, Portugal and England were arranged.

Following several months of diplomatic contacts a meeting in Ottawa, Canada, was finally arranged for April 14, 1978. Representing the committee were Congressman Edgar, two staff attorneys and myself.

Representatives of the Royal Canadian Mounted Police and the Department of Internal Affairs were in attendance for the Canadian Government.

During this meeting the future operating guidelines were established. These guidelines included the following: (a) No Canadian citizen would be interviewed without their permission and that permission would be sought by the RCMP alone; (b) No Canadian citizen who consented to being interviewed by the committee would be interviewed unless there was a member of the RCMP present; and (c) No independent investigation by the committee would be undertaken without the express consent of the RCMP.

A few weeks later the first investigative trip to Canada took place. There were three issues which were of primary investigative concern during the Canadian investigation.

First, the relative ease with which Ray obtained a Canadian passport in the name of Ramon George Sneyd and Ray's possible association with an alias ring which may have provided him with names he used both before and after the assassination of Dr. King.

Second, any criminal associates Ray may have contacted in Canada before or after the assassination.

Third, any financial transactions Ray may have had in Canada before or after the assassination.

In an attempt to resolve those issues, committee counsel and investigators reviewed all available files and interviewed numerous official and civilian witnesses during the course of two investigative trips to Canada.

The investigation, however, did not find that Ray had any criminal associates, nor did he receive any financial assistance during his April 8 to May 6, 1968, stay in Canada.

The committee examined James Earl Ray's various accounts of his possible assassination activities in which he contended that on April 5, 1968, he fled from Atlanta to Detroit via Cincinnati by bus, then to Windsor, Ontario, by cab, and finally arrived in Toronto by train on the afternoon of April 6.

Staff researchers determined that Ray's account did not precisely match the 1968 bus schedules.

Ray has also said that he checked into a Toronto roominghouse on April 6, but the committee found that his landlady told investigators in 1968 that he actually checked in on April 8.

Thus, it is possible that he could have visited associates in other cities between April 6 and April 8, though the investigation could find no evidence of such meetings.

A matter of primary interest because of the almost unbelievable nature of the coincidences involved and its possible sinister implications was the fact that four of the aliases used by Ray were the names of four Canadian citizens who lived in the metropolitan Toronto area; namely, Eric St. Vincent Galt, Paul Edward Bridgman, Ramon George Sneyd and John Willard.

In fact, Galt, Bridgman, and Sneyd all lived within a few miles of each other in the Borough of Scarborough. Each also had a general physical resemblance to Ray. Ray used these names during the period between his April 1967 escape from Missouri State Prison until his June 1968 arrest in London.

Mr. Chairman, it would now be appropriate to have entered into the record what has been premarked as MLK exhibit F-230.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



MLK EXHIBIT F-230

Mr. EVANS. The RCMP and the FBI attempted to ascertain whether there was any connection between those gentlemen and were unable to establish any links. However, committee counsel and investigators learned from Mr. Sneyd that he and Mr. Bridgman utilized the same Toronto doctor, Marvin Maxman, for annual physicals.

Mr. Bridgman cannot be located and Dr. Maxman refused to speak with committee staff members. None of the gentlemen involved reported losing identity papers or could otherwise explain how their names came to be used by Ray and no other connections could be found. Mr. John Willard was not located.

Ray had no satisfactory explanation for his use of the Eric S. Galt identity, which he adopted shortly after his first trip to Canada began in July of 1967.

During an interview at Brushy Mountain Prison, Ray stated he got the name from a Chicago phone book and one author even suggested that Ray got the name from a road sign for the Canadian city of Galt. Neither explanation could be corroborated.

Of interest is the fact that prior to 1966 the real Eric St. Vincent Galt signed his name in a manner that could be read Eric Starvo Galt.

Mr. Chairman, I would like to enter as a MLK exhibit what has been premarked F-231.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-231

Mr. EVANS. According to Mr. Galt, he has not signed his name that way since approximately 1965. He could not give any explanation for Ray's use of his name and he did not know Messrs. Sneyd, Bridgman, or Willard.

When Ray returned to Canada in April 1968 after Dr. King's assassination, he used the names of two other Toronto citizens in obtaining a Canadian passport and fleeing to Europe.

Ray told committee staff members that he obtained the Sneyd and Bridgman names from birth announcements in 1932 Toronto newspapers, and then established through a 1968 Toronto phone directory that they both still resided in Toronto.

There were discrepancies in Ray's story. For example, in one version he found the names at a newspaper office and in another the names were found in a library. Nevertheless, the technique is not unknown in criminal circles.

At least one former inmate of Missouri State Penitentiary interviewed by committee counsel and myself said that the procedure for obtaining aliases was common knowledge among the inmates.

Like the RCMP and the FBI, the committee was unable to resolve the question of how Ray obtained the aliases he used.

The staff found Ray's explanation for the aliases highly incredible. Yet, the investigation could uncover no evidence that he contacted an alias ring or received other assistance, despite the remarkable coincidences and possible sinister interpretations.

In fact, one knowledgeable RCMP officer involved in the original investigation told our investigators that Ray could easily have purchased a complete set of false identifications in his own Toronto neighborhood for as little as \$5.

It seems that if Ray did have underworld contacts, he could have obtained a passport in the summer of 1967 when he first visited Canada.

The RCMP also found no evidence that Ray used a passport ring.

A Toronto map was found among the belongings Ray left behind at the Dundas Street roominghouse in that city. The original map was destroyed by the RCMP under their regular procedures for destruction of files, but the committee learned from reports concerning the map that it bore marks presumably made by Ray, near the residences of Bridgman, Sneyd and Galt and along transportation lines from Ray's roominghouses to the area of the Scarborough suburb where the men resided.

Mr. Chairman, this would be a good time to have entered into the record what has been premarked MLK exhibit F-232.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

JAMES EARL RAY AND HIS USE OF ALIASES **Metropolitan Toronto, Ontario, Canada, 1968**



LAKE ERIE

1. Ray's 102 Ossington Street Room
2. Ray's 962 Dundas Street West Room
3. Paul E. Bridgman Residence,
80 Cassandra Boulevard

4. Eric S. Galt Residence,
49 Leppard Drive
5. Ramon George Sneyd Residence,
1741 Victoria Park Avenue (also
Ray map mark here: Victoria
Park Avenue and Medhurst)
6. Ray map mark: Cassandra Boulevard
7. Ray map mark: Leslie and Canadian
National Railroad Tracks
8. Ray map mark: Edgewood Avenue
and Kingston Road
9. Metro Stop, Route 48

MLK EXHIBIT F-232

Mr. EVANS. It is possible that Ray traveled to these neighborhoods to check the appearance of the men whose names he was to adopt. The committee carefully examined any links between Galt, Sneyd, Bridgman and Willard. Yet, the alias question is still, regrettably, considered open.

Our investigation shows that Ray obtained his passport in the following manner:

Ray rented a room at the home of Mrs. Feliksa Szpakowska, located at 102 Ossington Street, Toronto on April 8, 1968. On April 10 he applied for a birth certificate under the name Bridgman, using the Ossington Street address.

Sometime after the 10th the real Bridgman received a telephone call at his home from someone identifying themselves as a Canadian passport official and inquiring about Bridgman's passport. The caller learned that Bridgman had a passport application on file.

On April 14, 1968, a birth certificate from the Bureau of Vital Statistics was received at the Ossington Street address for Bridgman. Mrs. Szpakowska, the landlady, returned it after a few days because Ray did not claim it.

Sometime after that, the real Ramon George Sneyd received a telephone call at his home from a person who made inquiries about his date of birth and passport. The caller learned that Mr. Sneyd had never made a passport application.

On April 16, 1968, Ray rented a second room at the home of Mrs. Sun Fung Loo, located at 962 Dundas Street, Toronto. On the same day, he wrote the Bureau of Vital Statistics for a birth certificate in the name of Ramon George Sneyd, using the Dundas Street address.

Mr. Chairman, it would be appropriate at this time to enter into the record what has been previously marked as MLK exhibit F-233.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

CANADA

4-10-68

DEAR SIR,

ENCLOSED IS \$2.00 MONEY ORDER
FOR BIRTH CERTIFICATE.

NAME PAUL EDWARD BRIDGMAN

BORN TORONTO, ONTARIO NOVEMBER 10, 1932.

FATHER EDWARD G.B. BRIDGMAN.

MOTHER MILDRED NANCY, EVELYN GODDEN.

THANKS.

Sincerely

Paul Edward Bridgman

102- OSSINGTON - AVE.

TORONTO, CANADA

Res. & Conf.

Hon Robert Storch

Prime Secy

Minister of Citizenship & Registration

Parliament Bldg., Toronto

enclosed abstract of birth records in question

2584

CANADA

4-10-68

DEAR SIR

ENCLOSED IS A M.A. FOR \$2.00.
WOULD YOU PLEASE SEND BIRTH CERTIFICATE.

NAME: RAMON GEORGE SNEYD

BORN OCTOBER 8 1932

TORONTO, ONTARIO

FATHER'S NAME: GEORGE SNEYD

MOTHER'S NAME: MAIDEN, SNEYD

GLADYS MAE KILMER

THANKS.

Ramon George Sneyd

962 DUNDAS ST. W.

TORONTO, ONTARIO

2580

Mr. EVANS. Also, on April 16 Ray visited Toronto's Kennedy Travel Bureau where he wanted to make arrangements to purchase a round trip airline ticket to London. He explained to the clerk that he did not have a passport, nor did he have his birth certificate with him, and that he had only been in Toronto 3 weeks and doubted that he could find a guarantor.

Ray had previously told the committee that during his July trip—during his July—1967 trip to Canada, he had been informed that in order to get a Canadian passport without a birth certificate, one needed a guarantor who could vouch for having known the individual for 2 years.

The clerk told Ray he need not present a guarantor on his behalf, but instead could complete a Statutory Declaration in Lieu of Guarantor and submit it with his passport application.

Ray prepared both, using his Sneyd alias, and Henry Moos, notary public and owner of Kennedy Travel, notarized both forms and sent them to the Canadian Passport Office.

Mr. Chairman, it would be appropriate to enter into the record exhibit marked MLK F-234.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

STATUTORY DECLARATION BY TEST OF GUARDIAN

of attorney declare that:

1. The statements contained in the attached application for passport are true and correct;
2. There is no law in Canada, aliging under the Canadian passport regulations to issue for passport application, which would result in denial for an application. The reason for this is that

and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Oath of Office Act.

Declared below as
of _____ at the
Province of _____
this _____ day of _____
in _____

_____ Public
(Driver not impracticable)

Mr. EVANS. Thank you.

On April 20, 1968, Ray wrote a note to the Kennedy Travel Bureau informing them that he would be visiting Capreol, Canada and he would pickup his passport on his return.

The committee learned that Capreol is a remote railroad junction, a place he was unlikely to learn about through a travel agency, although it does attract those who enjoy hunting and fishing.

Despite the note, Ray has said that he actually went to Montreal. The committee, like the RCMP, found no evidence that Ray visited Capreol or had any associates who either lived or had other connections there.

According to Ray's account, while waiting for issuance of his passport he traveled to Montreal on April 22 in an attempt to find a ship out of Canada, preferably to an English-speaking nation in Africa.

Ray told the committee that he returned to Toronto on May 1, 1968. Members of the committee staff, however, found evidence that Ray was actually in Toronto, not Montreal, for at least part of this time.

Mrs. Sun Fung Loo, the landlady in Ray's second Toronto roominghouse, said that Ray, who was posing as Sneyd, paid his rent on April 26.

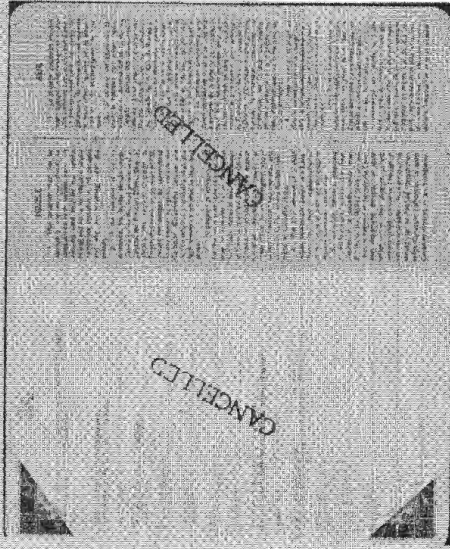
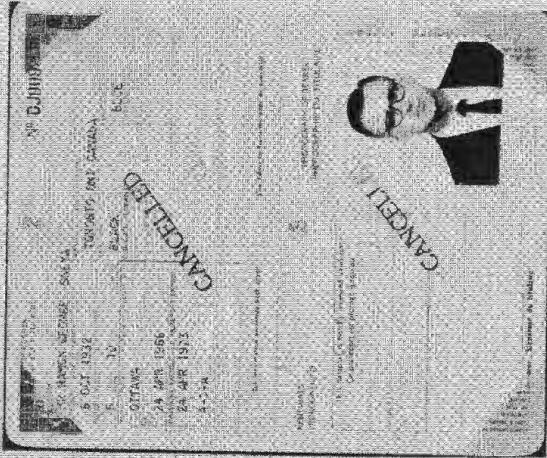
In addition, on April 29, he was vaccinated in Toronto, according to a certificate issued by Dr. S. Cappe. The significance of this information is unclear, though it does indicate further discrepancies in Ray's version of events.

The Sneyd passport was issued in Ottawa on April 24, 1968. Ray's printing on the application form, however, was misinterpreted and the passport incorrectly noted his alias as Ramon George Sneya rather than Sneyd.

Mr. Chairman, it would be appropriate at this time to enter into the record MLK exhibit F-235.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]



Mr. EVANS. Members of the committee staff spoke with Mr. Moos in Toronto. He described his notarization of the forms Ray completed and explained that the requirements for a Canadian passport in 1968 were fairly lax. The law was tightened as a direct result of the Ray case.

The committee received information on the present procedures for making application for a Canadian passport from Canada's Department of External Affairs. A birth certificate, among other things, is now required.

Mr. Chairman, it would be appropriate at this time to enter into the record MLK exhibit F-236.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-236



External Affairs
Canada

Affaires extérieures
Canada

Page 1

F-236

FILE NO.

PASSPORT APPLICATION FORM A
(APPLICANTS 16 AND OVER)

1. NAME

ST NAME	
MIDDLE NAME	
FAMILY OR LAST NAME	
MAIDEN NAME (FAMILY NAME AT BIRTH)	

DATE OF DEPARTURE
IF OTHER

Former Name if changed
(See instruction 1)

2. MAILING ADDRESS PERMANENT ADDRESS

NAME ADDRESS

ADDRESS

Postal Code TELEPHONE

Area Code Home Area Code Office

3. PERSONAL INFORMATION

DATE OF BIRTH Day Month Year

PLACE OF BIRTH City Province OCCUPATION

COUNTRY SOCIAL INSURANCE NUMBER

SEX M F HEIGHT Ft. In. cm HAIR COLOUR EYE COLOUR WEIGHT Lbs. kg

MARITAL STATUS SINGLE MARRIED WIDOWED DIVORCED SEPARATED ANNULLED

4. YOUR CHILDREN under 16 - Complete only if you want their names in your passport and submit evidence of Canadian citizenship for each child. If space below inadequate, attach separate sheet giving this information. Photographs of children listed are not required.

FIRST NAMES	LAST NAME	COUNTRY OF BIRTH	DATE OF BIRTH				SEX
			Day	Mo.	Yr.		

4a. PERMANENT ADDRESS OF CHILD(REN)

4b. ARE THE PARENTS OF THE ABOVE CHILD(REN) LIVING APART?

4c. HAS CUSTODY OF THE ABOVE CHILD(REN) BEEN THE SUBJECT OF A SEPARATION AGREEMENT OR COURT ORDER?

4d. DOES THE ABOVE NAME(S) NOW APPEAR IN ANY VALID CANADIAN PASSPORT?

5. PREVIOUS CANADIAN PASSPORTS

HAVE YOU APPLIED FOR OR BEEN ISSUED ANY CANADIAN PASSPORT(S) OR OTHER CANADIAN TRAVEL DOCUMENT WITHIN THE LAST 5 YEARS?

HAVE YOU LOST A CANADIAN PASSPORT ISSUED WITHIN THE LAST 5 YEARS?

IF YES EXPLAIN ON A SEPARATE SHEET

IF YES, SUBMIT DOCUMENT ARRANGING CUSTODY OF THE CHILD(REN) OR A STATEMENT OF CONSENT FROM OTHER PARENT. (SEE INSTRUCTION)

IF YES SUBMIT THE PASSPORT WITH YOUR APPLICATION

IF YES SUBMIT THE PASSPORT(S) WITH YOUR APPLICATION

PASSPORT NUMBER DATE OF ISSUE

IF YES, COMPLETE AND SUBMIT 1 COPY OF FORM PPT 903 "DECLARATION CONCERNING LOST PASSPORT", AVAILABLE FROM A PASSPORT ISSUING OFFICE

FOR OFFICIAL USE ONLY

SEE OVER

	In Set or Out	
Birth	<input type="checkbox"/>	Issued
Birth Abroad	<input type="checkbox"/>	Issued
Name Information	<input type="checkbox"/>	Issued
Citizenship	<input type="checkbox"/>	Issued
Marriage	<input type="checkbox"/>	Issued
Registration	<input type="checkbox"/>	Issued
Divorce	<input type="checkbox"/>	Issued
Annulment	<input type="checkbox"/>	Issued
Change of Name	<input type="checkbox"/>	Issued
Adoption	<input type="checkbox"/>	Issued
Passport	<input type="checkbox"/>	Issued
Other (Specify)	<input type="checkbox"/>	Documents received

PPT 44 (5/77)
TS/SLT/050-014

6. DOCUMENTARY EVIDENCE OF CANADIAN CITIZENSHIP

Page 2

YOU MUST SUBMIT 1 OF THE FOLLOWING CERTIFICATES AND CHECK BOX:

(a) IF YOU WERE BORN IN CANADA

BIRTH CERTIFICATE
OR
CERTIFICATE OF CANADIAN CITIZENSHIP

(b) IF YOU WERE BORN OUTSIDE CANADA

CERTIFICATE OF CANADIAN CITIZENSHIP
OR
CERTIFICATE OF NATURALIZATION
OR
CANADIAN CERTIFICATE OF REGISTRATION OF BIRTH ABROAD
OR
CERTIFICATE OF RETENTION OF CANADIAN CITIZENSHIP

CERTIFICATE NO.

DATE OF ISSUE

7. HAVE YOU EVER RESIDED OUTSIDE CANADA?

FROM

TO

IF YES, GIVE DATES

8. HAVE YOU THE CITIZENSHIP OF ANOTHER COUNTRY IN ADDITION TO CANADIAN?

IF YES, GIVE NAME OF COUNTRY

DATE ACQUIRED

9. MARRIAGE DATA

	DATE OF MARRIAGE		SPOUSE'S NAME IN FULL	SPOUSE'S DATE OF BIRTH	SPOUSE'S COUNTRY OF BIRTH	SPOUSE'S CITIZENSHIP	
	Day	Mo. Yr.				BEFORE MARRIAGE	AT PRESENT
PRESENT OR MOST RECENT MARRIAGE							
PREVIOUS MARRIAGE(S)							

IF SPACE ABOVE IS INADEQUATE, ATTACH SEPARATE SHEET GIVING THIS INFORMATION FOR ALL MARRIAGES

10. PERSON IN CANADA TO NOTIFY IN CASE OF EMERGENCY ABROAD

NAME

RELATIONSHIP

ADDRESS

Street

City/Town

Province

TELEPHONE

(Area Code)

11. DECLARATION OF APPLICANT

I solemnly declare that the statements made in this application are true, that the photographs enclosed are a true likeness of me, that I am a Canadian Citizen and that I have known my guarantor personally for at least two years.

Dated

Day

Month

Year

at

City

Province

Signature of Applicant

FEE: Submit 12.00 in one of the following forms payable to the Receiver General for Canada and check box.

Cash, if presented personally

Money Order, e.g., Postal, Bank, C.N. or C.P.

Certified Cheque

Bank Draft

DO NOT MAIL CASH

WARNING TO ALL APPLICANTS AND GUARANTORS:

Section 58 of the Criminal Code reads: "Everyone who, while in or out of Canada, for the purpose of procuring a passport for himself or any person, makes a written or oral statement that he knows to be false or misleading is guilty of an indictable offence and is liable to imprisonment for two years."

RPP 66-18771
7200-61-622-6616

12. DECLARATION OF GUARANTOR

No fee is chargeable for this declaration. Before this declaration is signed items 1 to 11 must be completed.

I, the guarantor, a Canadian citizen,

FIRST NAME

LAST NAME

declare that to the best of my knowledge and belief all the statements made in this application are true. I make this declaration from my knowledge of the applicant whose name is:

FIRST NAME

LAST NAME

whom I have known personally for (state number) years, and whose photograph I have certified on the reverse side.

Guarantor's

Occupation or Title

(SEE INSTRUCTION 12)

Firm or Organization

University or School

Business Address

in full

Telephone

HOME

BUSINESS

(Area Code)

Dated

Day

Month

Year

at

City

Province

Signature of Guarantor

Mr. EVANS. Ray flew from Toronto to London on May 6, 1968. He arrived in London on May 7, exchanged the return portion of his Toronto ticket for a flight to Portugal and left London for Lisbon that evening, 18 hours after he had arrived. Ray spent the next 10 days in Portugal.

The committee established relations with Portuguese police authorities with the assistance of Interpol. In April 1978, I traveled there with staff counsel Alan Hausman in furtherance of our investigation.

Once in Lisbon, we were joined by Congressman Preyer, who accompanied us while meeting with Dr. Allen Gomes, who serves as both head of Portugal's Interpol office and a high official in the Portuguese Policia Judicare.

During this and subsequent meetings the outlines of the Portuguese police cooperation were established and Dr. Gomes made his files available and advised us about how to obtain statements from relevant witnesses.

Ray told author William Bradford Huie that while he was in Portugal he tried to find a ship for southern Africa. He did locate a ship bound for Angola, on about his eighth day in Lisbon.

Ray explained that he was unable to book passage on this ship because it was scheduled to depart in 2 days and it would take 7 days to get the necessary visa.

The staff did find this aspect of Ray's story plausible because when interviewing a high Portuguese police official, we were informed that a visa in 1968 could take at least 7 days to obtain and that the fare Ray quoted for the voyage appeared reasonably accurate.


Ray visited the Canadian Embassy in Lisbon on May 16, 1968, and obtained a second Canadian passport, which contained the correct spelling of his Sneyd alias.

Mr. Chairman, I would like to have entered into the record exhibit F-237.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

CANADA



**PASSPORT
PASSEPORT**

DESCRIPTION DE LA PERSONNE
Nom: WYTHO2294

Prénoms: <u>John</u>	Statut: <u>Ordinaire</u>
Sexe: <u>M</u>	Date de naissance: <u>1922</u>
Age: <u>35</u>	Lieu de naissance: <u>Canada</u>
Profession: <u>Ingénieur</u>	Autres renseignements: <u>aucun</u>
Signature: <u>[Signature]</u>	Date: <u>15-10-68</u>
Autres renseignements: <u>aucun</u>	Autres renseignements: <u>aucun</u>

REMARQUES

Les passeports sont renouvelés sans frais.
Certificat d'aptitude physique.

REMARQUES

Les passeports sont renouvelés sans frais.
Certificat d'aptitude physique.

REMARQUES

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Certificat d'aptitude physique.

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Les passeports sont renouvelés sans frais.
Certificat d'aptitude physique.

MLK Exhibit F-237

Mr. EVANS. Civilian and official witnesses in Portugal told the committee that Ray seemed like a regular tourist and there was no indication that he had any criminal associates or financial assistance while there.

Ray returned to London as Sneyd on May 17 perhaps, as he has stated, because he was running out of money and believed he could get along better in an English-speaking country.

To lay the groundwork for the committee's England investigation, Congressman Robert Edgar and staff counsel Alan Hausman met with Great Britain's Ambassador to the United States, his Excellency Peter Jay, who helped with the preliminary arrangements.

The committee later established relations with Scotland Yard with the assistance of special counsel to the committee, Prof. Charles Rogovin.

While in London, Ray lived at three different hotels, from May 17 until his capture on June 8, 1968, at Heathrow Airport.

As a result of two investigative trips to England and interviews with both police officials and civilian witnesses, the committee could find no evidence that Ray had any criminal associates while in that country, or that he received any financial assistance during that time.

In fact, the investigation uncovered evidence that because of his desperate financial situation, Ray attempted to rob a jewelry store there and did rob a London bank.

When he arrived in London on May 17, Ray, who was still posing as Ramon George Sneyd, moved into the Heathfield House Hotel. His landlady there said he received no mail, visitors or telephone calls during his stay.

On May 27, he asked proprietress Doris Catherine Westwood the amount of his bill and once he learned the balance, he asked to stay another night. The committee found evidence indicating that Ray attempted to rob a Paddington area jewelry store at about 5:30 p.m., on May 27.

Maurice and Billie Isaacs, proprietors of the Paddington Jewelers, identified pictures of James Earl Ray in the presence of committee staff members as the man who attempted to rob their shop.

At this time, Mr. Chairman, it would be appropriate to enter into the record what has been previously marked MLK exhibits F-238 and F-239.

Chairman STOKES. Without objection, they may be entered into the record at this point.

[The information follows:]

MLK EXHIBIT F-238

INTERVIEW ON AUGUST 2, 1978 WITH MORRIS AND BILLIE ISAACS,
IN LONDON, ENGLAND, AT 12:33 P.M.

This is Wednesday, August the third, 1978, at 12-----
August 2nd, correction, 1978, at 12:33 p.m. We are in the
business of Mr. and Mrs. Isaacs in London, England; and
present in the room are, would you give your name and address
sir.

ISAACS: My name is Isaacs, Morris Isaacs.

ROGOVIN: And your address here.

ISAACS: The address here is 131 Praed Street, PRAED Street,
Paddington, West London.

ROGOVIN: Mam, could you give your name, please?

MRS. ISAACS: Billie Isaacs.

ROGOVIN: And you are Mrs. Isaacs?

MRS. ISAACS: Mrs. Isaacs.

ROGOVIN: Thank you.

LINDLEY: I am Robin Lindley, Staff Attorney with the
Select Committee on Assassinations.

ROGOVIN: Charles H. Rogovin, Special Counsel to the
Committee.

EVANS: Edward Evans, Chief Investigator, U.S. House of
Representatives, Select Committee on Assassinations.

ROGOVIN: Mr. Isaacs, I'd like to take you back to the
year 1968 - in or around June of that year did something un-
usual take place here at your shop, The Paddington Jewelers?

ISAACS: Yes, I - a party came into the shop and presented
a gun at me and told me to get into the back of the shop, which
I obviously didn't comply with, and after a few words again, and

after the party came up to me right behind the counter and tried to push me into the back of the shop, the gun pointed at me, I managed to grip him by the wrist, holding the gun and force him backwards.

ROGOVIN: You've indicated that he had a hand gun?

ISAACS: Yes, that's right.

ROGOVIN: Can you describe that weapon for us?

ISAACS: Well, it was a small, a small revolver, I should say six chambers with a wooden handle.

ROGOVIN: And did you notice where he drew the weapon from or when you first noticed him did he have it in his hand.

ISAACS: Yes. He was lefthanded by the way. That's a point I've never mentioned to you.

ROGOVIN: Alright sir, go ahead.

ISAACS: He was lefthanded, he had the gun in his left hand not in his right hand.

ROGOVIN: You indicated that he directed you to get to the back of the shop?

ISAACS: Yes.

ROGOVIN: Which is a small workroom behind your showroom?

ISAACS: That's right, sir. And I didn't comply and had a little wrestle with him trying to force him backwards, and then my wife joined in the little wrestle and in the course of the operations I managed to switch on the alarm bell which clanged like mad and apparently he took frighten and went out to the front of the shop, raised his pistol in his hand, as if he was about to shoot - I shouted to my wife "duck", we went below the level of the counter and he then proceeded to walk, picked up his

valise which was left on the seat in the shop and calmly left the shop.

ROGOVIN: Could you describe that valise to us?

ISAACS: A small, not particularly large, I should think black case, with a zip. Similar to the one you have there.

ROGOVIN: Alright sir.

Did you observe him when he left the premises?

ISAACS: Yes. I saw him walking hastily and as he was so doing he was taking off his light raincoat, and he proceeded for quite some number of yards to do this, because he couldn't, it was not an easy operation, you'll have to try it, you'll find it's not so easy to take a raincoat off and walk quickly.

ROGOVIN: Can you recall, sir, what it was he may have said to you during this, this incident?

ISAACS: Very few words. He just said "get to the back, go on, get to the back", and that's the only words I heard him speak.

ROGOVIN: Was there anything unusual about his voice?

ISAACS: He sounded either American or Canadian.

ROGOVIN: Have you had previous encounters - had you had previous encounters with Americans and Canadians?

ISAACS: Oh, yes. We have them all the time the shop.

ROGOVIN: Did he take any property?

ISAACS: No.

ROGOVIN: Did he indicate to you what particular kind of property he wanted?

ISAACS: No. Not at all. No, no, heavens knows what he would have said, what he would have done if he had of got us in the

back, but there you are.

ROGOVIN: Can you describe how this man was dressed?

ISAACS: He had a different color jacket to what his trousers were, that's all. Because he was wearing a raincoat at the time and I could only see from a - as he was walking away that his jacket was a different color to his trousers.

ROGOVIN: Could you describe that raincoat for us?

ISAACS: A greeny-gray shop silk, it was very light weight, the rain coat.

ROGOVIN: Was he wearing a hat?

ISAACS: Yes, a Trilby. What you call a - what do you call it, yes, a Trilby hat. Pulled down.

ROGOVIN: Was he wearing spectacles or anything --

ISAACS: Yes sunglasses. Very, very large sunglasses.

ROGOVIN: Sufficiently large to cover really most of the upper face?

ISAACS: It covered all the top of the upper part of his face under his hat.

ROGOVIN: Do you recall anything else about his dress?

ISAACS: No particularly, no.

(interruption in tape)

ROGOVIN: Mr. Isaacs, I have shown you a black binder containing the set of photographs of a number of white males, is that correct?

ISAACS: That's right.

ROGOVIN: Some 27 photographs in number?

ISAACS: I so, yeah I think that's the number.

ROGOVIN: You've had an opportunity to review this book.

ISAACS: Yes.

ROGOVIN: Did you note any photographs in here which you felt resembled the person who had come into your shop whom you have just described?

ISAACS: I did. I saw them. I looked at them all. And in my view it's either the party under the heading of number 1-- number 2 or number 7.

ROGOVIN: Fine. Thank you very much.

Is there -- Do you recall the investigation by Scotland Yard of this incident?

ISAACS: Yes.

ROGOVIN: Do you recall officers of the Metropolitan Scotland Yard showing you any photographs subsequent to this incident?

ISAACS: Yes, yes.

ROGOVIN: Can you tell us whom you identified, if you recall?

ISAACS: I definitely recall. They showed me, and I remember distinctly the number, they showed me nine photographs of various heads. And I picked out a party that they said was the party that was subsequently arrested somewhere near London Airport.

ROGOVIN: Going back to just one other matter --

EVANS: Did they identify that person for you?

ISAACS: Yes.

EVANS: What did they say? Who he was?

ISAACS: They said it happened to be the same man who

was accused of being the - accused of the murder of Martin Luther King in America.

EVANS: And with that did they mention a name to you, at that time?

ISAACS: Mention a name?

EVANS: Did they mention this man's name?

ISAACS: Yes, they actually mentioned it as Earl Ray.

EVANS: Yeah, James Earl Ray.

ISAACS: James Earl Ray. And they were, I must add this, that they were rather curious to know how the man entered the country as he had obviously come from Canada at the time and they were very anxious to know whether the man had any money on him. So he probably came into this shop with the idea of getting some money to further his escape.

ROGOVIN: Just if we can, Mr. Isaacs, to pin point as best you can do so, the time and date of this event. What time of day did this incident in your shop take place?

ISAACS: Approximately within a few minutes, 5:30 when we were just -- I can pin point this time because we were actually closing the shop, about to start to close the shop and we generally start around about that time.

ROGOVIN: Was there anything which took place within the reasonable period after this incident which could help fix the date in your mind of this attempted holdup. Well, it's made easy for me because I still have a newspaper report that came out - comes out on Friday, I forget the actual date of this particular paper but it pin points it around early June.

ROGOVIN: Alright.

MRS. ISAACS: (inaudible)

ROGOVIN: Now let me address a question to you Mrs. Isaacs. Is there anything in addition that you could tell us that you want to say with regard to this incident? First, before you do, you have been present while we've asked these questions of your husband, Mr. Isaacs, are you in accord with his recollection of events?

MRS. ISAACS: Completely.

ROGOVIN: Is there anything further you would like to add?

MRS. ISAACS: No, I don't think so. I think he's said everything that actually happened and I agree with it all.

ROGOVIN: Fine. Thank you Mrs. Isaacs.

One other question I have for you, I've presented to you a black binder containing a set of photographs of white males, some 27 numbered. You've had an opportunity to review this have you?

MRS. ISAACS: Yes, I did.

ROGOVIN: And did you see within it photographs of any persons who resemble the man who had attempted to hold-up your shop in early June, 1968?

MRS. ISAACS: I looked through the book and I think - I don't know if it's number 2, 7, and then I thought there was a resemblance to number 11.

ROGOVIN: Fine, thank you very much Mrs. Isaacs.

This terminates the interview, the time is 12:43 p.m.

My thanks to you both.

(End of tape recording)lh



Mr. EVANS. They said Ray came into the store, pulled a gun from his valise and demanded that Mr. Isaacs go to the back of the store. The counsel wrestled with Ray, and in the confusion Mr. Isaacs was able to sound his store alarm, which frightened Ray away.

On June 8, 1968, following Ray's arrest by Scotland Yard detectives, the Isaacs identified Ray as the man who attempted to rob them.

On the day after the robbery attempt, May 28, Ray moved from the Heathfield House to the New Earls Court Hotel. According to the landlady at that hotel, he received no mail, visitors or telephone calls and stayed there until June 5, 1968.

On June 4, Ray asked about his bill and then explained he would have to go out and get some cash. Former Detective Chief Inspector Kenneth Thompson told members of the committee staff that at about 2 p.m., that afternoon James Earl Ray entered the Fulham branch of the Trustee Savings Bank in London, presented a firearm and a holdup note and escaped with 95 pounds, or about \$229 in American currency.

The committee spoke with John George Batchelor, the officer who investigated this robbery, as well as the Scotland Yard photographer who made pictures of the scene and a former employee of the bank.

Batchelor said that Ray was identified from a fingerprint on the holdup note that had been left at the scene. The latent print found on this note matched the right thumbprint of James Earl Ray.

Mr. Chairman, at this time I would like to have entered into the record what has been previously marked MLK F-240, F-241 and F-66.

Chairman STOKES. Without objection, they may be entered into the record at this point.

[The information follows:]

MLK EXHIBIT F-240

July 31, 1978 - Time is 2:40 PM

We're presently conducting interview with Mr.

KENNETH THOMPSON. Location is NSY, Room 263, London, England.

My name is EDWARD EVANS, Chief Investigator for the House of Representatives, Select Committee on Assassinations, and I'll have the members, or the people present in this group identify themselves, Mr. THOMPSON being first.

I am Detective Chief Superintendent KENNETH THOMPSON, Ministry of Defence Police.

I am RICHARD DAVIS, a member of the Commissioner's Solicitors Department.

CHARLES ROGOVIN, Special Counsel to the Committee.

ROBIN LINDLEY, Staff Attorney with the Committee.

We will now proceed with the interview.

Superintendent, we are going to take you back to June of 1968 and ask you a few questions relative to the investigation that you conducted relative to one JAMES EARL RAY, also known as ERIC STABLE GALT (?), and we'd like to start off with that as to how did you get into the investigation?

The assistance of the Met. Police was sought on the 4th of June, 1968 by the United States of America, a Mr. ~~Merrick~~ ^{Merrick} Menrick, and I was the DCI, and I was deputized by my Commissioner to take up the investigation to trace whether RAY had ever entered this country or not.

OK, would you sort of describe for us the procedure that you followed acting on that information or acting on the instructions.

My inquiries confirmed that a flight to London from Toronto, Canada on the 6th or the 7th of May, 1968 and a late flight to Lisbon on the 7th of May, 1968 by British Airways, that this man had used a BOAC ticket. At this junction I was unable to establish whether SNEED had left Lisbon, although it was later established he returned to London on the 17th of May, 1968. I therefore caused an all ports warning which is sent to Special Branch officers who do duty at the airports, and seaports, stating that a man by the name of RAYMOND GEORGE SNEED, and giving the description, was wanted by me for interview for serious offences in contravention of the Aliens order. Although I was well aware of why he ^{was not questioned} wanted to be questioned, it was shown in this way to prevent any press publicity, and ^{where} that I ~~would~~ of course be informed immediately. He was not to be interrogated by anyone else.

Would you sort of go into some of the details that, uh, some of the procedures that you followed after you were notified that there had been such a person apprehended at Heathrow Airport.

I was informed that the man ~~NAME~~ SNEED was detained on the 8th of June, 1968 at London Airport. Together with Det. Chief Supt. BUTLER we went to the Airport where we saw the man purported to be SNEED. He asserted to us that his name

was SNEED and that he was a Canadian citizen. This facet was deliberately dealt with in extremely brief fashion by us, for obvious reasons, and our questioning centered upon the possession of a revolver and ammunition which had been found in his possession. SNEED admitted that the weapon was his property, and that he intended to travel to Brussels. When pressed about the necessity of carrying a firearm in the Belgian capital, he added that he was considering traveling on to Rhodesia and that things were not too good there just now. He admitted to me that he had no firearms certificate for ^(?) *de* weapon ammunition, ~~and then~~ He was eventually taken to Cannon Row Police Station and detained whilst other inquiries were continued. At 4:45 PM that day, after it had been established that the fingerprints of SNEED were in fact identical with RAY, the prisoner was again interviewed by myself and Det. Chief Supt. BUTLER. The prisoner was told there was every reason to believe he was not a Canadian citizen, but one of American origin. He replied, "Oh well, yes I am." He was then informed that there was reason to believe his name was not SNEED, but RAY, ~~alias~~ alias GALT, wanted in the United States for serious criminal offenses, including murder, in the course of which a firearm was used.

The accused at this stage was standing up, but when he heard this he suddenly sat down on the bench in the cell; put his head in his hands and said, "Oh, God." After a few moments he said, "I feel so trapped." He was cautioned, and then said, "Well, yes, I shouldn't say anything more now. I can't think right." He appeared to me to be engaged in some mental struggle, and when we left his cell, again he dropped his head in his hands. RAY was charged in the name of SNEED at 5:20 PM at Cannon Row Police Station with the offences of being in possession of a forged passport and firearm offences.

The accused appeared at Bow Street Magistrates Court on Monday, the 10th of June, 1968 and was remanded in custody until the 18th of June, 1968. He was granted legal aid. He again appeared on the 18th of June and was again remanded in custody until the 27th of June, 1968. The prisoner then was legally represented by Mr. EUGENE of Michael DRESDEN & COMPANY, Solicitors of 32 Tavistock Street, London, WC1. Accordingly, on the 27th of June, the prisoner again appeared before the Magistrate and was defended by ROGER FRISBY, counsel, instructed by the defendant's solicitors.

Supt., after, from the time RAY was apprehended on June the 8th until he was subsequently removed to the continental United States, did you ~~ex~~ provide any ~~special~~ ^{special} type of security

for his safe-keeping?

Yes we did. He was never left alone whilst in police custody. Vehicles were used of course to convey him from Wandsworth Prison to Bow Street Magistrates Court on every occasion, and at no time was he ever left alone, but there was always at least two policemen in his company.

I see. Does it include the time he was in prison in the jail itself there were two officers present in his cell with him at all times?

No, but when he was actually in Wandsworth Prison, responsibility falls upon the prison authorities to supply the necessary officers. I do understand that he was never left alone.

As a result of his apprehension, did you at any time do an investigative check as to where he had been during the time he was in London.

Yes, ~~xxxxxxxxxx~~ at the request of the American authorities, a full inquiry was made to trace his whereabouts whilst he was in London.

Could you possibly go into some of the details as to just what type premises were checked and perhaps the people that were interviewed.

Yes. It was established from the inquiries that on the 17th of May, 1968, he returned from Lisbon by TAP flight.

He produced a Canadian passport YT602294. He stayed at the Heathfield House Hotel, which is 183 Cornwall Road, SW5, and the proprietor there is a Mrs. DORIS CATHERINE WESTWOOD, who is the propriortess at those premises. I know that on the 27th of May he asked for his bill, and when given it, asked to stay another night, which was the 27th/28th, which he did, eventually leaving on the 28th of May. On the 28th of May he went to the New Earls Court Hotel, 36 Perywein Road, SW5. The receptionist there is a Miss JANET NASSAU, whowas the hotel receptionist. The Manageress was a Mrs. TRUDY LLOYD. He previously paid his bill at the Heathfield Hotel which was 20 pounds, 12 shillings and 8 pence which was in the currency at that time. He remained at this hotel until the 5th of June, 1968. Miss NASSAU states that prior to his departure, RAY asked her how much his bill would be for, as he had to get some money. At about 2:13 PM on the 4th of June, RAY entered a branch of the London Trustees Bank, and it is alleged he held up the staff and stole 98 Pounds and 10 shillings. He then stayed on the 5th of June at the Pax Hotel, 126 Warwick Way, London, SW1. The propristoress there is a Miss ANNA ELIZABETH THOMAS. He booked into this hotel on that date where he remained until the 8th of June. He left the Pax Hotel after paying his bill

in cash, and later that morning about 11:30 AM, of course, he was arrested.

While we're on the subject of the Pax Hotel, did it subsequently come to your attention that there was a hypodermic needle or hypodermic instrument that had been found in the particular room that RAY had occupied?

Yes, it did come to note, but it was--I think the condition of this was such there was nothing whatsoever to identify SNEED or RAY with this particular piece of medical equipment. It could have been there for some time, or even put there afterwards.

The likelihood was that it was there after he had left.

Well, based on your experience at the time you would say then that the type premises the Pax Hotel would be, it wouldn't be uncommon for that type of device to be found in it?

Oh, no. Well, things are often left behind by previous occupants, and not particularly searched by the staff. It may be somebody can go out one hour and the following hour somebody else will move into their room.

Would you continue with the investigative leads to pursue, uh, relative to maybe mail, or receipt of any mail that he may have received, or any phone calls that he may have received while at any of these establishments.

I know that--I am aware from the inquiries that I made, that SNEED or RAY made possibly four telephone calls when he was at the Pax Hotel. Two of these were to an airline, and possibly the other two concerned a Mr. COLVIN, a journalist who writes for the "Daily Telegraph". He wished to make an appointment with him. This is confirmed by the fact that the following day after making one of these telephone calls, a card was received by SNEED or RAY confirming a possible appointment. It's worthy of note of course that SNEED never did sign the visitors book.

Getting back to the finding of the hypodermic syringe, at the Hotel Pax in the room that RAY had occupied, did you have cause to examine the body of RAY during the course of your investigation at the end of his incarceration. Did you conduct a physical examination insofar as police officers are authorized?

When he would be searched because of those peculiar things, he would be strip-searched and ^{if} was given other clothing, and I saw no marks upon him to suggest that he used hypodermic syringe. I would have seen ~~if he had of done.~~ ^{he had it with him so.}

Relative to the bank robbery that he was--been charged with, did you conduct the investigation relative to that bank robbery, or did some other...

No, this was carried out by a local CID officer.
Of course, I was made aware of the circumstances.

OK, and the identification of RAY as the perpetrator of that robbery was by...

Conclusive, it was fingerprints.

Fingerprints, OK. And these were prints that were lifted from a bag or a note that he left at...

I believe. It was a long time ago, but I believe it was on a note.

.. Did you yourself at any time interview Mr. COLVIN?

Yes, I had a lot of conversation with him on this robbery. The gist of this was that he wanted--he told Mr. COLVIN that he was a Canadian with a brother in Angola with whom he wished to get in touch. He stated that his brother was a mercenary and that he could give him the telephone number of a Major WICKS so that he could get advice on the way he could find his brother. Mr. COLVIN told me at the time that Major WICKS had been troubled by informants who posed as mercenary volunteers, and after this announced/^{his} attempt to get volunteers for Biafra.

..He did, in fact, tell SNEED that he would try and get in touch with this Major WICKS, and get him to contact SNEED whilst he was in Earls Court Hotel. He did in fact speak to

Major WICKS and passed the telephone number on to him, and asked him whether he recognized the name. WICKS stated that at that time he did not and for that reason did not take up the contact. SNEED in fact phoned Mr. COLVIN again at the Telegraph offices. He said that again saying he was RAYMOND SNEED and had he telephoned Major WICKS. SNEED then said that he had since changed his hotel and then set about discussing his problem with him. I am not too much knowledgeable what that conversation was, but it seemed to be that he wanted to get to know more about the mercenaries.

Supt., when RAY was apprehended, he had in his possession certain personal property. Was an examination made by you, or did you have someone examine that property for investigative leads.

Another officer in fact, took possession of this property, but it was scientifically examined.

I see, did you make an investigation relative to any associates or any contacts RAY may have established while he was in the United Kingdom?

Yes, we made quite a lot of inquiries. First of all, we made inquiries at such places as hire car firms, where he might well have hired a car in a local at the hotels where he would have been staying, and indeed at the West London Air

Terminal, because this is a place where cars are used, and the facts would have been recorded, but I found nothing that supported this except that telephone numbers relating to three separate hire firms were found written on correspondence in his possession. Each of the firms were seen, but there was no record ^{that} SNEED was a customer. We also made inquiries at all London taxi ranks in the London area again, but with no reason to believe that he had taken a cab. At least from one of the ranks. We did the left-luggage lockers all over London and airports; again this proved negative. We did safe deposits to see whether he deposited anything in the London area. Again this proved without trace. We also made inquiries at a number of clubs which are well known to me where people of doubtful character & likely be ex-mercenaries from Africa are known to congregate. I searched these records, but there was no record that RAY or SNEED had ever stayed there. I also again saw Mr. COLVIN who seemed to be the contact for SNEED, but again no information as to likely mercenary volunteers were passed on to him.

Did it come to your attention the fact that RAY had exchanged a return ticket from London/Toronto at a local airline office for an air ticket from London to Lisbon. And did you conduct any sort of investigation relative to...

Yes, we made inquiries at BOAC terminal which is in Regent Street in London. This was on the 7th of May. We found out that he was given a refund of \$14.60. This is not unusual by the way; this often happens,

Getting back to the Hotel Pax, the propriortess there was a Mrs. ANNA THOMAS. Is there anything that you can now recall that would have given you or suggest to you the idea ^{not} that she was/cooperating fully with you or your investigators at that particular time.

No. Actually, to the contrary, we found that Mrs. THOMAS was a very good witness inasmuch as she had a very retentive memory, and gave police every item of information that was possible. She was able to give a very good description of the man; what took place; the fact that when she brought his breakfast in the morning that the door was always locked from the inside; and she tried the key in the lock. She had to leave his breakfast outside the room. After she walked away a few moments he used to open the door, take the tray and then lock ~~it~~ ^{the door}. She did actually enter the room on one occasion by letting herself in with a master key and he was lying on the bed reading. She said she had come to collect the visitors book, which she had previously asked him to sign. She asked again on this occasion. She said, "What is your name?" and he said,

"It's SNEED." He then told her, and he opened his wallet this time and showed her a plane ticket saying, "I have a flight booked for Germany."

Supt., during your canvassing, or during your investigation, particularly at the hotels where RAY had stayed, what means of identification--were there photographs that you used to have the potential witnesses view?

Usually by photographs.

I see.

In the first instance, the way that he was traced was on the name factor. We followed this up of course by showing photographs--positive identification.

Mrs. ANNA THOMAS--she identified the photograph as being that of RAY?

Oh, yes.

At that particular time, during the course of investigation, what was your title and what was your position with the NSY.

I was Chief Inspector.

For how many years service?

At that stage about 27 - 28 years.

Based on your experience then, would you venture to say based on the information that was available to you at the time, and the investigation you conducted, that RAY had no

contacts? To your knowledge, based on that information.

I was satisfied; I'm still more than satisfied that he had no contacts in London whatsoever.

I see. One additional question, ^{sir} The category of hotels he started off at one. Would you say that he went from the most expensive to the least expensive of establishments?

It wasn't as obvious as that, but I would say, I would say that he obviously must have been pushed for money and he was looking for cheaper accommodations.

I see, well, thank you very much for your time. Anyone else have any additional questions?

If I may, Mr. EVANS, this is CHARLES ROGOVIN speaking. Could I return to one thing you said for clarification purposes; you mentioned that when you interviewed Mrs. THOMAS, she told you that on...

Wait, can I interrupt you--when I say, ^{higher?} "hire"?

Your personnel.

My personnel.

Your officers interviewed Mrs. THOMAS. She told them that RAY had opened his wallet and said, "I have a ticket for a flight to Germany, or I have a flight booked to Germany."

~~Supt: xxxxx~~ "I have a flight booked to Germany."

Am I correct, sir, that your inquiries (when I say "your", I mean officers working under you) established that RAY never

made a flight to Germany?

Yes, he never did.

And may I return to one other thing you mentioned. In the course of your responses to Mr. EVANS, when your inquiries disclosed that RAY had gone to a London within the city BOAC office and exchanged the return portion of his London/Toronto ticket and received a credit on ticket to Lisbon, you remarked that your people were informed this was not unusual. Could you clarify what you mean by that?

Well, people, when they come to London, are not always aware that they can do this at Heathrow, but lots go to the offices which is a last ^{large} ~~large~~ concern in the Regent St.

And this is a daily thing for passengers to alter flights, get a reimbursement on tickets; it may be that they are financially embarrassed at that time, but they can do all sorts of things there where you and I possibly would do this at the airport.

Just two other areas? You mentioned that when you and your at that time superior, Mr. BUTLER, interviewed RAY, I think ^{Police} you said this was at Cannon Row/Station.

Cannon Row Station, yes.

You knew to a certainty that the man you were interviewing was JAMES EARL RAY from fingerprints.

Yes sir.

Had you obtained a set of fingerprints from Mr. RAY?

Fingerprints had been taken previously at London Airport by a fingerprint officer.

Just one final question, sir. Your present rank and association.

At the present moment I am the Det. Chief Supt. and I am Head of the Ministry of Defence ^{C.I.D.} ~~for the police.~~

Thank you sir.

Supt., is there anything that you'd like to add, or any statement you'd like to make or any additional information that you think might be of some assistance to us.

I think not, except to say that I did look for any political connections with RAY or SNEED because the man was going to be extradited or an application, and at no stage did I find the slightest trace that there was that kind of connection.

Thank you, Supt. Time is presently 3:08. End of interview.

While the name SNEED
is shown in shown
is P/elt. SNEYD
K. J. Thompson
Det. Chief Supt.

MLK EXHIBIT F-241

UNITED STATES HOUSE OF REPRESENTATIVES

SELECT COMMITTEE ON ASSASSINATIONS

Interview with

Mr JOHN GEORGE BATCHELOR

on

Tuesday, August 1, 1978

at

New Scotland Yard, London, England.

On behalf of Select Committee:

Mr EDWARD M. EVANS	-	Chief Investigator
Mr ROBIN D. LINDLEY	-	Staff Attorney
Mr CHARLES H. ROGOVIN	-	Special Counsel

Present:

Detective Chief Superintendent Frank Cater	
Mr Richard W. Davies	- Commissioner's Solicitors Department
Mr Richard H. Balment	- Court reporter.

MR EVANS: Today's date is August 1st, 1978, and we are in Room 263 at New Scotland Yard, London, England. We are about to commence with the interview of Mr Batchelor, former Detective Inspector, Metropolitan Police Department.

My name is Edward Evans. I am the Chief Investigator, Select Committee on Assassinations. I will have the other persons in this room identify themselves, starting with Mr Batchelor.

MR BATCHELOR: John George Batchelor, Bramfold Farm, Nutbourne, Pulborough, West Sussex, a retired police officer, at present unemployed.

MR ROGOVIN: I am Charles Rogovin, Special Counsel to the Committee.

MR LINDLEY: Robin Lindley, Staff Attorney with the Committee.

MR DAVIES: Richard Davies of the Solicitors Department to the Commissioner.

MR CATER: Frank Cater, Detective Chief Superintendent, C1 Branch, New Scotland Yard.

MR BALMENT: Richard Balment, court reporter.

MR EVANS: Mr Batchelor, I am trying to take you back to June 4th of 1968. Could you tell me what your assignment was in the Metropolitan Police at that particular time?

A At that time I was the Detective Inspector in charge of the CID officers at Fulham Police Station, responsible for the investigation of criminal offences committed in that area.

Q On that date did it come to your attention that there had been a robbery within your jurisdiction?

A Yes, it did.

Q Would you tell us what the report was and how you proceeded with the investigation?

A A report was received via the emergency telephone system, the 999 system, that there had been a bank robbery at the Trustee Savings Bank in Clem Attlee Parade, North End Road, Fulham, London, SW6, where a lone robber, armed with a pistol, a revolver, had entered the bank, presented a demand note to a cashier at the bank, obtained money and left the bank.

Q Do you recall what was the amount of money that he escaped with?

A A total of £95.

Q Did there come a time that you proceeded to the bank and conducted an on-the-scene investigation for forensic evidence?

A I did. I attended the scene with other detective officers. Witnesses were interviewed; the premises were examined for fingerprints and other clues; the premises were photographed; the demand note, which had been left behind by the robber, was taken into police custody, made an exhibit and subsequently submitted for fingerprint examination. Local inquiries were made in the area in an effort to trace the man, and the area was searched by police wireless cars, with witnesses in the wireless cars, but there was no trace found of the robber at that time.

Q Did it subsequently come to your attention that a print was obtained from the hold-up note, from the demand note?

A Yes. A thumbprint was found on the demand note as a result of a process developed at Scotland Yard.

Q Did there come a time during the investigation that that

thumbprint was matched with the thumbprint of a person that had been detained by the name of James Earl Ray?

A That is correct. The thumbprint found on the demand note was identical with the right thumbprint of James Earl Ray.

Q Could you tell me how that came about, that that print was checked with that of James Earl Ray?

A When the robber entered the bank, he was seen by three or four members of the staff, who were interviewed by police. Subsequently an Identikit picture was made of this man, who was wearing large dark sunglasses. In fact the Identikit picture showed a square face with these heavy black sunglasses. Subsequently photographs appeared in British newspapers of the man Ray, and the officer who had prepared the Identikit considered he was similar facially to the suspect. Because of this, we submitted the fingerprint found for comparison with Ray's fingerprints, and a positive identification was made. Having received that evidence, I was positive that Ray had committed the offence, and would have been prepared to charge him with that offence.

Q O.K, Mr Batchelor. Have you anything else you want to add to your statement that might be of any investigative assistance to the Committee?

A No, sir.

Q Thank you very much, sir.

I should state that the interview commenced at 11.06 a.m. and ended at 11.16 a.m.

John George Batchelor.

UNITED STATES HOUSE OF REPRESENTATIVES

SELECT COMMITTEE ON ASSASSINATIONS

Interview with

Detective Chief Inspector PETER ARTHUR ELLIOTT

on

Tuesday, August 1, 1978

at

New Scotland Yard, London, England.

On behalf of Select Committee:

Mr EDWARD M. EVANS	-	Chief Investigator
Mr ROBIN D. LINDLEY	-	Staff Attorney
Mr CHARLES H. ROGOVIN	-	Special Counsel

Present:

Detective Chief Superintendent Frank Cater.		
Mr Richard W. Davies	-	Commissioner's Solicitors Department
Mr Richard H. Balment	-	Court reporter

MR EVANS: Today's date is August 1st, 1978. The time is 12.37 p.m. The location is New Scotland Yard, London, England, Room 263. We are about to commence with the interview of Detective Chief Inspector Peter Arthur Elliott.

Present in the room is myself, Edward M. Evans, Chief Investigator, Select Committee on Assassinations. I will now have the other persons in the room identify themselves, starting off with Inspector Elliott.

MR ELLIOTT: Peter Arthur Elliott, Detective Chief Inspector, Metropolitan Police, London.

MR LINDLEY: Robin Lindley, Staff Attorney with the Committee.

MR ROGOVIN: Charles H. Rogovin, Special Counsel to the Committee.

MR DAVIES: Richard Davies, of the Commissioner's Solicitors Department.

MR CATER: Frank Cater, Detective Chief Superintendent, C1 Department, New Scotland Yard.

MR BALMENT: Richard Balment, court reporter.

MR EVANS: Inspector Elliott, I would like to take you back to June 8th of 1968. Could you tell me what your assignment was then?

A Yes. I was investigating the possibility that James Earl Ray was in London.

Q How long had you been working on that assignment?

A Some three weeks prior to that date.

Q Did there come a time on that particular date, June 8th, when you went to London Airport?

A Yes, I did.

- A Yes. On that particular morning I was with Chief Inspector Thompson, interviewing members of the crew that in fact brought Ray to London. During the course of the morning Ray was detained at Heathrow Airport. When we telephoned our office we were informed of that, and we went to Heathrow, where we met Detective Chief Superintendent Butler.
- Q What duties were you assigned at the airport?
- A I was asked to collect Ray's luggage, which had been loaded on to an aeroplane for Brussels, where he was intending to go, and to await its return to London.
- Q On that date did there come a time when you did in fact obtain the luggage?
- A Yes. I collected his luggage from a Sabena flight and took it to Cannon Row police station.
- Q Did you examine the contents of the luggage?
- A I did examine the contents of the luggage, and I showed the suitcase and the contents to Ray and he identified it as his property.
- Q Subsequent to that date, the date of Ray's arrest, June 8th, did you conduct any examinations or interviews at the New EarlsCourt Hotel?
- A Yes, I did.
- Q Could you tell me, in your own words, as a result of those interviews, what you were led to believe about Ray's conduct or stay at that particular hotel?
- A Yes. Miss Nassau was the proprietress. As a result of my interviewing her, I understand that Ray asked her how much his bill would be.

Q What date would that have been, sir?

A That would be the 5th June, or shortly before the 5th June.

Ray actually left the hotel on the 5th June. Some day prior to that, probably the 4th June, he asked the proprietress how much the bill would be. As a result of that, he told the girl that he had to go out and get some English currency to pay for it.

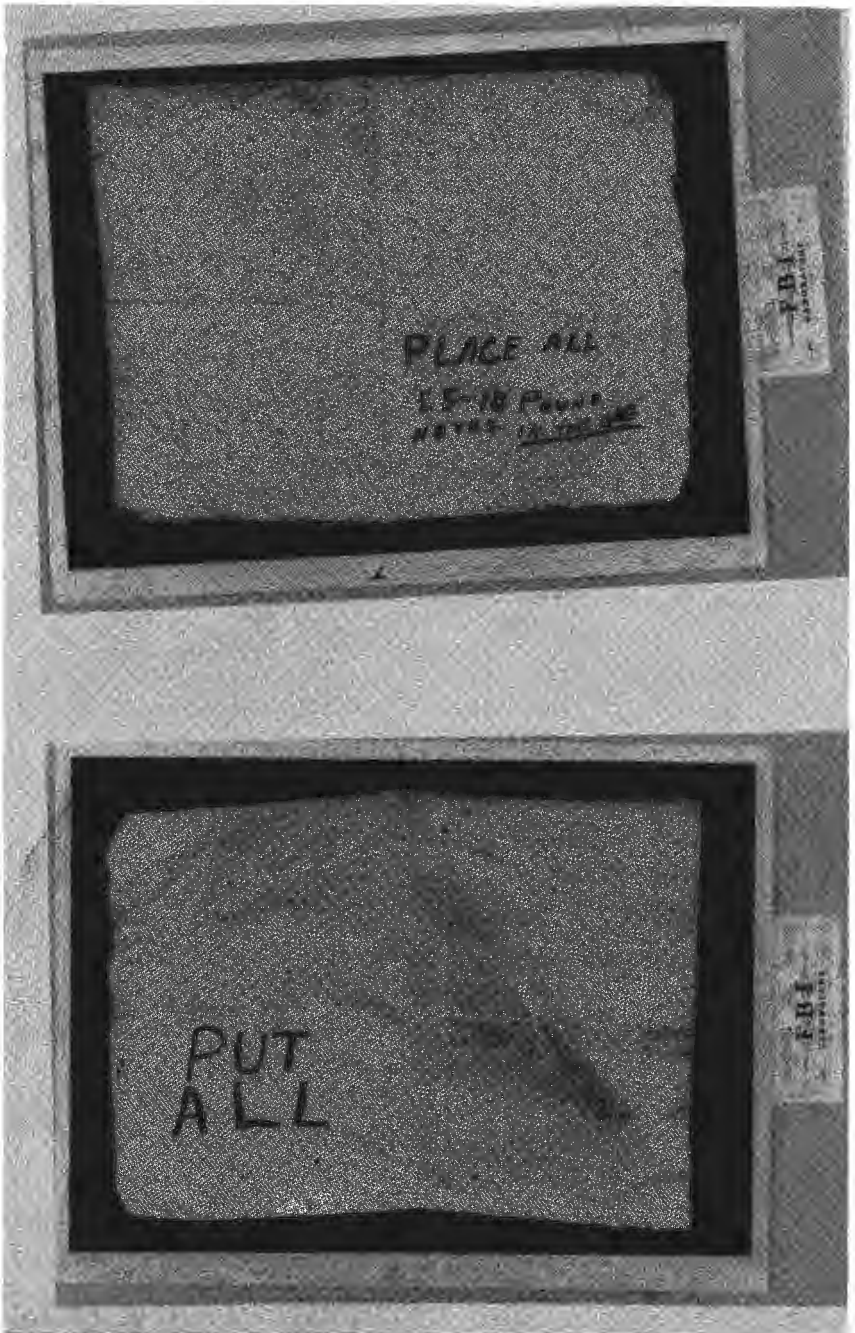
Q Is there anything additional you would like to add to your statement, Inspector?

A Nothing.

MR EVANS: Any other questions from anyone else in the room? --

O.K. Thank you very much, sir.

The time is 12.41 p.m. End of interview.



Mr. EVANS. The committee also found indication that while in London Ray hoped to lose himself in the ranks of a mercenary army.

According to Janet Nassau, the landlady at the New Earls Court Hotel, Ray called the London Daily Telegraph twice on the day of the bank's robbery.

Scotland Yard later determined that Ray called Daily Telegraph reporter Ian Colvin, to obtain information about Maj. Alistair Wicks, a former British Army officer who recruited mercenaries to fight in the Congo.

Scotland Yard officers told the committee staff that Ray moved to the Pax Hotel on June 5 and on the following day again called Ian Colvin and pleaded with the reporter to give him information on mercenary recruiters.

Colvin did suggest that Ray might find the remnants of a mercenary force in Brussels, Belgium. Thus, Ray booked a seat on a June 8, 1968, British European Airways flight to Brussels.

Former Chief Inspector Kenneth Thompson told committee staffers that Pax Hotel proprietress Anna Thomas, contrary to some accounts, was a cooperative witness who provided a good description of Ray.

During his stay at the Pax Hotel, Ray received four telephone calls. According to Thompson, two were from the British European Airlines and two were from the Daily Telegraph.

Ray checked out of the Pax Hotel on the morning of June 8, 1968, and went to Heathrow Airport, where he planned to catch his 11:50 a.m. flight to Brussels.

Unknown to Ray his apprehension was close at hand as a result of cooperation between the law enforcement agencies of three nations—the FBI, the RCMP, and New Scotland Yard. This developed in the following manner:

On or about May 11, 1968, the FBI forwarded a photograph of James Earl Ray to the RCMP and requested that they conduct a search of passport application photographs to seek an application by Ray.

RCMP Staff Sergeant Tetus, with 6 to 10 other RCMP officers, examined approximately 300,000 passport applications and on June 1, 1968, discovered that Ray had obtained a Canadian passport under the name of Ramon George Sneyd.

On June 4, 1968, the assistance of New Scotland Yard was requested by the FBI after they learned that Ray used the name Sneyd to book a flight to London.

When Ray presented his two Sneyd passports at the immigration desk in terminal No. 2, Heathrow Airport, he was the subject of an all-points bulletin.

He was arrested by Detective Sergeant Philip Birch of Scotland Yard's Special Branch. Birch detained Ray, searched him, and found that he was carrying a loaded revolver.

Ray was fingerprinted at the airport and positively identified. In England, the committee talked with the fingerprint officer who handled the case and other officers who were involved.

As well as investigating Ray's movements in London, the committee learned that Scotland Yard also canvassed banks, car rental

firms, hotels, and taxi stands in an effort to find information on James Earl Ray.

Scotland Yard detectives concluded that Ray had no close associates in England and received no financial assistance. Similarly, the committee also found no indication that he had any criminal associates or financial assistance during his stay in London.

Although several troubling questions remain open, it appears that James Earl Ray, after the shooting of Dr. Martin Luther King, Jr., fled from the United States to Canada and Europe without the assistance of a sophisticated coconspirator.

That is the end of my report, Mr. Chairman.

Chairman STOKES. Thank you, Mr. Evans.

The Chair now recognizes the gentleman from Pennsylvania, Mr. Edgar, for such time as he may consume.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Evans, in your work with the Canadian Government, were there any witnesses that you felt were crucial to this particular case that we did not have access to?

Mr. EVANS. Yes, sir.

Mr. EDGAR. Would you list out who they may have been.

Mr. EVANS. There were witnesses—there was one witness in particular who was closely associated with Mr. Ray who provided a statement for us—who provided a statement to the Royal Canadian Mounted Police, who declined to be interviewed by staff, and because she is now presently married and did not want to get further involved in the case.

There were additional witnesses, such as Dr. Maxman, Mr. Willard, who we were never able to locate; Mr. Bridgman, who we were not able to locate, and other civilian witnesses who declined for one reason or another to be interviewed by staff, but who had previously been interviewed by the RCMP back in 1968.

Mr. EDGAR. I think it would be helpful for the record if the committee staff would put together a list of the persons who were interviewed by our committee and those who we were unable to interview so that the record will be clear as to our attempts to have a full investigation of Ray's activities in Canada, and our attempts at interviewing as many witnesses as possible.

Mr. EVANS. It will be done, sir.

[The information follows:]

LIST OF WITNESSES INTERVIEWED IN CANADA (CIVILIAN)

Robert Jonstone, Raymond Sneyd, Eric Galt, Lillian Spencer, Ron Hartland, Robert Earle, Edward Feigen, John Welch, Adrien Castegnier, Henry Ritche, Garthe, Allen, Paul Guy Richer, and Robert Taylor.

CANADIAN WITNESSES NOT INTERVIEWED

Claire Keating, Mrs. Sun Fung Loo, Paul E. Bridgeman, Mr. & Mrs. Feliksa Szpakowska, Robert McNaulton, Dr. Henry Moos, and Richard Alvin Giesbrecht.

ROYAL CANADIAN MOUNTED POLICE OFFICERS INTERVIEWED

S/Sgt. Kenneth W. Titus, Cpl. J. S. Dunlop, Sgt. R. Marsh, Cpl. M. F. T. Power, Sgt. G. W. J. Mousseau, Sgt. R. G. Harlten, Special Constable David Yu, S/Sgt. McElroy, Sgt. Fournier, Inspector J. A. G. Synnnett, Inspector D. Chiarot, Sgt. J. C. P. Theriault, and Sgt. Murray J. Smith.

Mr. EDGAR. In your experience with all three governments, did you feel that we received the full cooperation of the police officials in all three nations?

Mr. EVANS. Well, under their rules and regulations I would think that they cooperated as fully as they possibly could under their structure of government.

Mr. EDGAR. I notice from your report that you indicated that as far as our investigation could discover, Ray had no associates who provided him with funds during his travels in Canada, Portugal, or London, that we could discover, is that correct?

Mr. EVANS. That is correct.

Mr. EDGAR. Were we able to discover how much money Ray had on his person when he arrived in Canada, after the assassination?

Mr. EVANS. No; we were not exactly able to determine that. Our estimation is that we are preparing a report on the finances and that report has not as yet been completed.

Mr. EDGAR. In the robbery of the bank in London, was there any recovery of any of the funds that were taken from that bank robbery?

Mr. EVANS. No, sir.

Mr. EDGAR. When James Earl Ray was captured at the Heathrow Airport in London, was there any struggle, any resistance of arrest?

Mr. EVANS. None whatsoever, sir.

Mr. EDGAR. You mentioned toward the end of your report that it was early—I think it was May 13 or 14 that the FBI had asked the Canadian Government to begin to review the passports to see whether James Earl Ray's picture might have been used on a passport for access out of the Canadian country.

It took from the 14th of May up until about the 1st of June until they found the appropriate picture?

Mr. EVANS. That is correct.

Mr. EDGAR. Could you describe how that took place?

Mr. EVANS. What occurred was the commissioner of the RCMP ordered Sergeant Tetus to form a unit which consisted of 6 to 10 men, and each evening they would proceed to the immigration office in downtown Ottawa and go through all of the passport application photos on file there.

This would occur approximately 5 in the evening until midnight. This went on for a period of 2 to 3 weeks.

Mr. EDGAR. That was from May 11, 1968, until June 1, 1968, when they discovered the—

Mr. EVANS. That May 11 is an approximate date, Congressman.

Mr. EDGAR. We had the opportunity to travel to Canada together and to talk with some of the officials. While there, lining up the strategy and the direction of our investigation, we laid out for the Canadian officials some of the directions that we were pursuing.

You have indicated that some of the witnesses were unable to be reached or identified and that you did have the cooperation of the Canadian Government for much of the work of the investigation.

I wonder if in your opinion there were very important issues—these are not dealing with names of people—but issues that we just didn't have the resources to investigate as thoroughly as we might have if we had additional time?

Mr. EVANS. Well, I would have liked to have seen more cooperation from the Canadian—the RCMP. But under their rules and guidelines we could not obtain that cooperation.

There were other issues, finances, and racial issues that we wanted to delve into a little deeper but because of the structure of their government and time constraints and financial constraints, we were not able to get into those issues as much as we would have liked to.

Mr. EDGAR. Mr. Chairman, I don't have any further questions at this time.

Chairman STOKES. The committee will now operate on the 5-minute rule.

Mr. Evans, did you also have occasion in the course of pursuing investigation for the committee to investigate one Mr. Eist?

Mr. EVANS. Yes, sir, I did.

Chairman STOKES. And pursuant to that investigation, tell us what you did.

Mr. EVANS. Originally, when we brought Mr. Eist's testimony here before the committee, and it was introduced into the Congressional Record, Mr. Eist's background had not been thoroughly checked, as the evidence, or the testimony, had been recently retrieved or recently recovered or obtained.

I subsequently returned to England, and during a 5-day stay in that country I spoke to a number of police officials relative to any investigations that were pending against Mr. Eist, and I was told that there were no such actions pending.

I also interviewed a journalist and an attorney who had spoken to Mr. Lane, and they merely told me that the information they had concerning Mr. Eist was speculative and that it was nothing that they could—or nothing, or no one that they could direct me to to give me firsthand knowledge about any of his allegedly corrupt activities. On the basis of that, I concluded that there was no such evidence available.

Chairman STOKES. There were several documents entered into the record last week when Mr. Eist testified. Did you procure those documents?

Mr. EVANS. Yes, sir; I did.

Chairman STOKES. Thank you.

I have no further questions.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. I have nothing.

Chairman STOKES. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. No questions, Mr. Chairman.

Chairman STOKES. The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

I have three questions of our chief investigator.

The first has to do with the RCMP imposition of conditions under which interviews might be granted.

Would you care to explain to me why such conditions would be imposed?

Mr. EVANS. Congressman, I am a former police officer, New York City Police Department, and I have always found the Canadians—

when I was acting in that capacity—to be very cooperative with us in our investigations. I had been to Canada previously on cases when I was working in the New York City Police Department, and this situation is somewhat different.

As we are an investigative arm of the U.S. Government, our requirements are somewhat different than police departments, and we have to go through the external affairs division. In other words, we are another government agency doing an investigation in a foreign country; whereas, with police matters it is police dealing with the policeman. Here we have to go through their state department and that sort of complicates the issues, and it sort of places restrictions on what we as an investigative committee for Congress could do.

Mr. FAUNTROY. Are you aware of similar conditions that are imposed by our Government on other governments when they conduct investigations like this?

Mr. EVANS. I do know of one case where they have been—our Government has been—sort of restrictive about what the Canadians can obtain.

Mr. FAUNTROY. Mr. Chairman, I, for my own purposes and understanding, would like at some point to have explained to me the reasons for the imposition of these kinds of conditions on investigations between different countries and what similar conditions we impose in similar situations.

My second question has to do with——

Mr. EDGAR. Would the gentleman yield?

Mr. FAUNTROY. Yes.

Mr. EDGAR. I think the explanation that you seek can be provided for the record, but I just want to share from my observations in traveling to Canada.

One of the concerns was that this was an investigation that was dealing with a very sensitive matter and there was some concern by the Canadian officials that some judgment would be made negative in terms of the way in which the investigation took place in Canada, and I think that their government officials at a time of some sensitive things happening internationally and locally within their own government were sensitive to any kind of criticism that might come to the Canadian police officials; so I think they were very cautious with us. I don't think it was an attempt on their part to withhold or deliberately direct our investigation into wrong channels, but I think it was more trying to be as proper as possible.

It is the difference between wearing casual clothes and wearing a black tie to an affair. Our relationships with the Canadian Government were very official and I think it kind of reflects their feeling that they didn't want any negative criticism to come to the handling of the investigation.

Mr. FAUNTROY. Thank you.

My second question, Mr. Chairman, had to do with Dr. Maxman, the fact that you found that Mr. Sneyd and Mr. Bridgman both utilized him for their annual physical examinations; and I wondered if you could shed light on why Dr. Maxman would refuse to speak to the committee staff on his knowledge of these two persons?

Mr. EVANS. Well, as previously stated, Mr. Congressman, one of the conditions for operating in Canada was the fact that the Canadians—the RCMP—were the ones that would visit the potential witnesses and see whether they would consent to an interview, and we were informed by the RCMP that Mr. Maxman chose not to be interviewed.

Mr. FAUNTROY. With no reason given?

Mr. EVANS. None whatsoever.

Mr. FAUNTROY. My third and final question has to go to the rather minor point—

Mr. EVANS. I would like to add to that—we did inquire as to whether Dr. Maxman had any burglaries during that period of time, and that was a negative.

Mr. FAUNTROY. I see.

Finally, with respect to Mr. Ray's use of the alias, Eric Starvo Galt, Mr. Ray stated that he got the name from a Chicago phone book?

Mr. EVANS. That's correct.

Mr. FAUNTROY. And it was also suggested by one author that he got the name from a road sign—

Mr. EVANS. That is correct.

Mr. FAUNTROY [continuing]. In a Canadian city?

Mr. EVANS. That is correct.

The story of that is, he—as he was proceeding from Detroit to Montreal—he passed on the highway—he passed a road sign which said Galt, indicating a Canadian city; and one of the authors suggested that that is where he obtained the name.

Mr. FAUNTROY. I can see where you could not corroborate a road sign if you couldn't find it; but what I am troubled by is the fact that you could not corroborate or repudiate the question of a Chicago phone book during that period.

Mr. EVANS. Well, he originally gave us that information on one of my visits to Brushy Mountain. During the interviews there, we inquired about the Eric S. Galt. He told us that he obtained that name in a Chicago phone book, 1967-68. We proceeded to have—I proceeded to have—the staff check the 1968, 1967 phone books, and there were no Galts there; and on my next visit to Brushy Mountain I confronted Mr. Ray with that and he then said, "Well, I don't remember."

Mr. FAUNTROY. So that, in fact, the claim that he got it from a Chicago phone book cannot be substantiated in any way?

Mr. EVANS. That is correct.

Mr. FAUNTROY. Thank you.

Chairman. STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Evans, in Ray's arrest in England prior to his being brought back to this country, the evidence that you alluded to this morning and cited with regard to the bank robbery in England, can you shed any light as to why he was not charged in England for that crime?

Mr. EVANS. That is still an open charge, and should Ray happen to be within any of the United Kingdom's areas, he can be rearrested and charged with that robbery.

At that particular time my thought—and I don't say this officially but what I picked up from my talks with Scotland Yard officials—is that there were forces at work a little higher than their level who determined that the extradition proceeding would take precedence over the robbery, in view of the fact that Ray was being charged with a capital crime here in the United States; therefore was to release him, and what in fact occurred was that Ray did not fight the extradition proceedings and in fact was brought back to this country, and that charge is still open.

That remains why we cannot obtain some of the evidence that they still have.

Mr. FITHIAN. I'm sorry.

Mr. EVANS. Evidence on the bank robbery is still in the possession of Scotland Yard. They will not release it. They do not want to taint that evidence, and should it eventuate that Ray should visit the United Kingdom again for one reason or another—in other words, he is subject to being arrested for that charge.

Mr. FITHIAN. When you say open charge, does that mean without statute of limitations?

Mr. EVANS. Yes; that is correct.

Mr. FITHIAN. I have no other questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Connecticut.

Mr. McKINNEY. No questions. Just one further.

In light of your testimony with reference to cooperation from authorities in other countries, what was the attitude of officials in London, England, with reference to cooperation toward the investigation?

Mr. EVANS. I found the members of the Scotland Yard, new Scotland Yard, to be of greater assistance to the committee than the RCMP, but they, too, had certain restrictions that were placed upon them by the Home Office, which is equivalent to our State Department; so though they were quite open in telling us what was contained in their files, there was some files that they refused to give us, some such as Mr. Fithian inquired about—bank robbery files and testimonies, witnesses' statements—that they have in their possession. They told us the contents but they would not release them.

Chairman STOKES. Thank you.

Are there further questions from members of the committee?

If not, Mr. Evans, you are entitled to 5 minutes under committee rules for the purpose of making any further statement or explanation of your testimony. I extend that to you at this time.

Mr. EVANS. I decline.

Chairman STOKES. Thank you very much.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

It may be appropriate, Mr. Chairman, to note at this time that in some of the staff comments or conversations with the English authorities, inquiry was made as to whether there would be any restrictions on the staff's ability to contact and talk to English

citizens; and the English official laughed, said, "Of course not. This is a free country."

I think that comment characterized the staff's relationship with the English officials and indeed the English citizens.

Mr. Chairman, it is appropriate at this time to turn to a new subject, the plea of guilty.

James Earl Ray entered a plea of guilty for the murder of Dr. Martin Luther King, Jr., in Shelby County Criminal Court, Memphis, on March 10, 1969. Since that time, allegations have been made that the plea was coerced in an effort to silence Ray and other witnesses who would have come forward in the trial.

The perpetrators of this conspiracy—both to assassinate Dr. King and to frame Ray, or at least to keep him from talking—have not been named, only been hinted at, but by insinuation. Critics have pointed an accusatory finger nevertheless at Government officialdom, most specifically the FBI.

To set the stage for a review of this issue, it would be useful to review the legal history—chiefly the effort by Ray and his counsel to split the profits they expect from the sale of Ray's story—and certain key events of the case from the time Ray was arrested in London on June 8, 1968. They are somewhat complicated, but then so, too, are other aspects of the case.

During proceedings in London that led to his extradition to Tennessee on July 19, Ray asked Arthur Hanes, Sr., of Birmingham, to represent him. Mr. Hanes agreed to do so, with his son, Arthur Hanes, Jr. In anticipation of a literary contract, Ray agreed on July 5 to assign to Mr. Hanes 40 percent of his earnings, although in September it was agreed that this amount would be limited to \$20,000.

Back in the United States, Ray and Mr. Hanes signed a three-part contract with William Bradford Huie, the author, giving Mr. Huie rights to Ray's story of his participation in the King assassination. It called for Ray and Mr. Hanes each to get 30 percent of the profits from literary sales, Mr. Huie to get the remaining 40 percent. The agreement also gave Mr. Huie the power to sign a contract for the sale of a book, though he was bound to report regularly on his negotiations.

Ray's trial was set for November 12, but on November 10 he fired Mr. Hanes and hired the well-known Texas trial attorney, Percy Foreman. Mr. Foreman maintains he took the case at the urging of James' brothers, John and Jerry, and after he had received a written request from James himself. Ray, however, charged that Mr. Foreman bullied his way into the case by convincing him that Mr. Hanes was only in it for the money he got from Mr. Huie's book.

Because of Foreman, the trial date was reset for March 3, 1969, to give him time to prepare his defense. When Mr. Foreman asked for more time, Judge W. Preston Battle refused, and on December 18 he appointed Shelby County Public Defender Hugh Stanton, Sr., as co-counsel for Ray.

In January 1969, following an investigation of the case by his office, Stanton talked with Mr. Foreman about negotiating a guilty plea with District Attorney Phil N. Canale in return for a life

sentence. Mr. Foreman insists Ray agreed verbally to a guilty plea on January 22, though Ray himself disagrees.

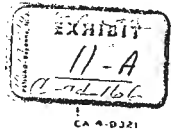
Two days after he was hired, Mr. Foreman had Ray sign over to him as a retainer the rifle identified as the murder weapon and the Mustang he had abandoned in Atlanta. On December 6, the literary contract was rewritten, with Ray being awarded the 30-percent share of proceeds that had been assigned to Mr. Hanes. It was signed by Ray on January 29. On February 3, Ray turned over all his rights to any proceeds to Mr. Foreman. And then, on March 9, the day before Ray pleaded guilty, Mr. Foreman reassigned to Ray royalties from the Huie book in excess of \$165,000, on the condition that Ray would go along with the guilty plea.

I would ask, Mr. Chairman, that a letter from Mr. Foreman to Ray, specifying terms of their attorney/client relationship, be inserted into the record at this time as MLK exhibit F-250.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

LAW OFFICES OF
PERCY FOREMAN
 824 FORT WORTH BUILDING
 HOUSTON, TEXAS 77002



March 9th, 1937

116027

Mr. James Earl Ray,
 Shelby County Jail,
 Memphis, Tennessee.

Dear James Earl:

You have heretofore assigned to me all of your royalties from magazine articles, book, motion picture or other revenue to be derived from the writings of Wm. Bradford Huie. These are my own property unconditionally.

However, you have heretofore authorized and requested me to negotiate a plea of guilty if the State of Tennessee through its District Attorney General and with the approval of the trial judge would waive the death penalty. You agreed to accept a sentence of 99 years.

It is contemplated that your case will be disposed of tomorrow, March 10, by the above plea and sentence. This will shorten the trial considerably. In consideration of the time it will save me, I am willing to make the following adjustment of my fee arrangement with you:

If the plea is entered and the sentence accepted and no embarrassing circumstances take place in the court room, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of \$165,000.00. These funds over and above the first \$165,000.00 will be held by such bank, trust company or individual subject to your order.

I have either spent or obligated myself to spend in excess of \$14,000.00, and I think these expenses should be paid in addition to a \$150,000.00 fee. I am sure the expenses will exceed \$15,000.00 but I am willing to rest on that figure.

Yours truly,

Percy Foreman

PF-4

James Earl Ray

MLK Exhibit F-250

Mr. BLAKEY. Mr. Foreman estimates he spent from 30 to 75 hours with Ray preparing the case. When Mr. Foreman was ill, from December 26, 1968, to January 17, 1969, Mr. Stanton was directed to prepare the case. Ray has subsequently charged that Mr. Foreman was not prepared to take the case to trial.

On February 13, Mr. Foreman wrote Ray his opinion that if the case went to trial the chance of a guilty verdict was 100 percent and the odds on a death sentence were 99 percent. Mr. Foreman also noted that it would be one of the great accomplishments of his career if he could save Ray's life with a negotiated plea.

Mr. Chairman, it would be appropriate at this point to include in the record a copy of that letter and have it appropriately displayed. The exhibit number would be MLK F-262.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

104 Ex #
Foram Dept
4-3-74

Law Offices of
PENNY FOREMAN
ATTORNEY AT LAW
HOUSTON, TEXAS 77008

Memphis
Feb. 13,
1969

NAME AT RULE

Mr. James Earl Ray, 260031
Shelby County Jail,
Memphis, Tennessee.

Dear James:

I write this letter to put of record my analysis of your case and to recommend that you accept my recommendation as to the course of action we should explore in your behalf. I also write it for my own protection. Because I anticipate the coming of a time when it will be needed for reference.

I have spent several weeks reviewing the nature of the case that states that James Earl Ray shot and killed the Reverend Dr. Martin Luther King, Jr. I have read the transcript in this county and jury verdict in other recent cases. And I have come to this conclusion:

In my opinion, there is a little more than a 99% chance of your receiving a death penalty verdict if your case goes to trial. Furthermore, there is a 100% chance of the guilty verdict. Neither fact is an encouraging one for you. The above analysis of your chances would still obtain even without the 100% articles.

As my client, you are entitled to my judgment. It is based on my experience as attorney in more than 1,000 murder cases. If I am able to get your life by negotiation with the State, I will do so. I will do so because it is one of the great accomplishments of my career in the court room. I do not know whether I can get an agreement to waive the death penalty or not. But if I can, I will have to be told. I know that it can not be done after March 5, 1969.

Please sign both pages of two copies of this letter as my client. Then, please sign and return one copy to me. I will then sign and return the other copy to you. I will also sign and return the copy of the death penalty in consideration of our entering a guilty plea for you.

James Earl Ray
James Earl Ray.

Law Offices of
PENNY FOREMAN
ATTORNEY AT LAW
HOUSTON, TEXAS 77008

NAME AT RULE

Page 2 - JAMES EARL RAY - 2-13-69.

Sincerely yours,

Penny Foreman

PF-4

Memphis, Shelby Co., Jail,
2 - 13 - 69.

I acknowledge receipt of the above letter and the advice and recommendation contained therein. I have signed and returned the copy of the death penalty in consideration of our entering a guilty plea for you. I understand the analysis and recommendation thoroughly.

James Earl Ray
James Earl Ray.

Mr. BLAKEY. In a letter prepared by Foreman dated February 18, 1969, Ray authorized Mr. Foreman to negotiate a guilty plea. In the letter Mr. Foreman and Ray agreed there was certain incriminating evidence it would be impossible to dispute.

Mr. Foreman explains that he and Mr. Stanton met with Judge Battle to negotiate the plea. District Attorney Canale drew up a set of stipulations, including one that provided that Ray would be sentenced to serve 99 years in the State penitentiary. With some reservations, Ray agreed to sign the stipulations.

Ray tried to retract his guilty plea, however, almost as soon as it was entered on March 10, the first of several attempts to challenge its validity. On March 13, Ray wrote to Judge Battle to say that he had fired that famous Houston attorney, Percy Fourflusher. Ray also requested a postconviction hearing and in a followup letter he asked the judge to treat his March 13 letter as legal notice of an intent to ask for a reversal of the 99-year sentence. Judge Battle died on the day he received Ray's second letter.

Ray replaced Mr. Foreman with three attorneys: Robert W. Hill, Jr., of Chattanooga; Richard J. Ryan, of Memphis; and J. B. Stoner, of Marietta, Ga., president of the National States Rights Party.

On May 26, 1969, Judge Arthur J. Faquin denied Ray's motion for a new trial. Ray appealed, claiming his guilty plea had not been voluntary but had been coerced by pressure exerted by his attorney and that he had not been provided effective assistance of counsel.

The Tennessee Court of Criminal Appeals affirmed Judge Faquin's decision and the Tennessee Supreme Court, on Ray's next appeal, ruled he had entered his plea willingly, knowingly, and intelligently, on the advice of competent counsel.

Once Ray had exhausted his State court remedies, a new team of attorneys—Bernard Fensterwald, James Lesar, and Robert Livingston—filed a Federal habeas corpus action. Nevertheless, the U.S. District Court for the Middle District of Tennessee also denied Ray's application for relief. On appeal, the Sixth Circuit of Appeals sent the case back to the lower court for an evidentiary hearing, but after it was held the district court again denied Ray's petition.

On May 10, 1976, the Court of Appeals also affirmed the ruling:

Considering "all of the relevant circumstances" surrounding Ray's plea * * * we agree with the district court that the plea was entered voluntarily and knowingly."

In addition, the Court of Appeals ruled that Ray had not been denied effective assistance of counsel, that he had not been prejudiced by his contracts with William Bradford Huie, that he had not shown inadequate investigation by his counsel, that he had failed to establish that Mr. Foreman gave him incompetent advice in urging him to plead guilty.

The court also rejected Ray's contention that he had been denied effective assistance of counsel by surveillance, interception of mail and delivery of attorney/client communications to the prosecution, since he was unable to demonstrate that these activities in fact affected the preparation of his defense.

Finally, the U.S. Supreme Court denied Ray's petition for review of the Sixth Circuit Court of Appeals' decision on December 1, 1976.

The committee, while fully cognizant of the factual base on which the court decisions rested, has gone further into the circumstances surrounding Ray's guilty plea, in particular examining any indications of a conspiracy to silence Ray.

For example, Ray contends that if he had been given the opportunity to present his story in open court, a Government conspiracy in the assassination would have been exposed. He claims further that Percy Foreman and District Attorney Phil Canale, as well as others, conspired to keep him from testifying.

In his opening statement before this committee last August, Ray had this to say:

In respect to the guilty plea I made in the King case, it is not a difficult matter for an attorney to maneuver his client into a guilty plea to a criminal indictment, especially when the attorney has the active cooperation of the judge and prosecutor, and I am sure every member of this committee with legal training knows this.

Ray's suggestion that Mr. Foreman made a deal with the court and prosecution was a theme developed by Mark Lane, author of Code Name "Zorro" and at present Ray's attorney, who called the plea supportive of other evidence of a prearranged plan to murder Dr. King and to cover up the evidence of that conspiracy.

Lane continues:

Was a deliberate effort made to induce Ray to plead guilty so that the full facts might be successfully concealed? An examination of the development of the various episodes that led to the courtroom ritual in which the guilty plea was offered and accepted may provide the answer.

The committee has, in fact, made a detailed examination of the episodes Mr. Lane referred to.

Ray was kept in a maximum security cell in the Shelby County Jail from the time of his extradition to the guilty plea, about 8 months. His cell was illuminated 24 hours a day and his every word and action were recorded by closed-circuit television and microphones, including meetings and conversations with his attorneys. Memphis authorities justified the measures as reasonable for the purpose of security. Today the committee will have an opportunity to decide this question itself.

Much of the controversy around the plea has centered on the actions of Percy Foreman in his defense of Ray. Mr. Lane has written in Code Name "Zorro":

* * * once Foreman entered the case, the inexorable march toward a deal—the guilty plea and a 99-year sentence—was underway.

Before calling Mr. Foreman, who is our first witness, Mr. Chairman, it should be pointed out that the committee secured a waiver of the attorney/client privilege from Ray prior to interviewing Mr. Foreman. Following execution of the waiver on March 7, 1977, the committee interviewed Mr. Foreman twice—on April 14, 1977, and May 30, 1978. The interviews covered a wide range of topics pertaining to Mr. Foreman's representation of Ray.

On September 11, 1978, Ray, however, sent the committee a document in which he attempted to revoke all previous waivers of the attorney/client privilege communication rule. As this revocation came after the committee's two interviews with Mr. Foreman, it cannot apply to material previously disclosed to the committee by Mr. Foreman. Once a waiver is granted by a client and the

confidential information is disclosed, no subsequent revocation can restore the privilege to that communication. Once a cat is let out of the bag it cannot be returned to it.

Since terminating his relationship with Mr. Foreman, Ray has also questioned Mr. Foreman's competence and conduct in several forums—in a civil action to enjoin publication of Mr. Huie's book, *He Slew the Dreamer*, in Federal habeas corpus proceedings, and, most recently, in testimony last August before this committee itself.

In that testimony Ray listed the following arguments that he says were made by Mr. Foreman in an effort to persuade Ray to plead guilty:

That the press had already convicted me by inflaming the minds of potential jurors; that the Government had bribed an alleged witness, Charley (sic) Stephens, into perjuring himself against me by offering Stephens a \$100,000 reward to say he saw someone favoring me leaving the roominghouse where Dr. King was allegedly shot immediately after the shot was fired; that it would in some manner be in my financial interest to plead guilty as charged; that the trial judge wanted a guilty plea because he was concerned the Blacks might burn the town down* * *

Ray also testified that just before he entered the plea Mr. Foreman told him the Government would probably arrest his brother, Jerry, if he did not plead guilty, and that Mr. Foreman also mentioned that his father, who was almost 70, might be arrested as well.

Ray remarked further that Mr. Foreman had convinced him that he would throw the case if he managed to force him to trial.

Then, in consideration for Ray's promise to plead guilty, Ray says Mr. Foreman promised to turn over to him all proceeds from books and so on in excess of \$165,000.

Mr. Foreman is, under the law, of course, entitled to respond to the allegations of his former client, and in doing so to disclose information that would otherwise normally be privileged.

Care should be exercised, however, not to ask Mr. Foreman to respond in areas other than these as I have just outlined.

Mr. Foreman is a criminal lawyer from the State of Texas. In over 50 years at the bar he has gained a reputation as one of the country's most effective trial attorneys. In 1968, when he entered the Ray case, he was reported to have represented more accused killers than any man in history—upward of 1,000. Only one of these defendants had been executed. Some of Mr. Foreman's more famous clients have included Candy Mossler and Gen. Edwin Walker.

It would be appropriate at this time, Mr. Chairman, to call Mr. Percy Foreman.

Chairman STOKES. The committee calls Mr. Percy Foreman.

Mr. Foreman, would you stand and be sworn?

Do you solemnly swear that the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. FOREMAN. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel, Peter Beeson.

TESTIMONY OF PERCY FOREMAN, ATTORNEY AT LAW

Mr. BEESON. Good morning, Mr. Foreman. Can you hear me now?

Mr. FOREMAN. Yes.

Mr. BEESON. Will you state your full name for the record, Mr. Foreman?

Mr. FOREMAN. Percy Foreman.

Mr. BEESON. How are you currently employed?

Mr. FOREMAN. Attorney at law.

Mr. BEESON. And what is your office address?

Mr. FOREMAN. 806 Main Street, Houston, Tex.

Mr. BEESON. Mr. Foreman, I wonder if you would give the committee a brief rundown of your professional background? When did you enter the practice of law?

Mr. FOREMAN. I did not get the last question.

Mr. BEESON. When did you enter the practice of law?

Mr. FOREMAN. In June of 1927.

Mr. BEESON. Since entering in 1927, approximately 50 years ago, have you specialized your practice in any way?

Mr. FOREMAN. I am a trial lawyer. I try lots of criminal cases. I do not avoid the designation criminal lawyer but actually criminal law represents less than 35 percent of my law practice.

Mr. BEESON. Within the criminal area, have you stuck exclusively to private defense work, or have you had some prosecutorial experience also?

Mr. FOREMAN. I was Assistant District Attorney in Harris County—that is in Houston, Tex.—in 1927 and 1928 and again in 1933 to 1937.

Mr. BEESON. And outside of those periods——

Mr. FOREMAN. Been in defense work whenever I was in criminal cases.

Mr. BEESON. Referring now, Mr. Foreman, to the period surrounding the assassination of Dr. King in April of 1968, approximately how many murder cases had you represented as of 1968?

Mr. FOREMAN. Well, it was in excess of a thousand. I do not keep records, but that had been established in 1958, some 787, by another investigator, and I did keep a record after 1958, and it was in excess of 1,000 as of 1968.

Mr. BEESON. Would you give the committee a general idea of your success in these cases?

Mr. FOREMAN. Well, I have had less than 100 go to the penitentiary.

Mr. BEESON. Less than 100 go to the penitentiary?

Mr. FOREMAN. Yes; approximately 63, to be exact.

Mr. BEESON. How many of your clients have actually been executed, Mr. Foreman?

Mr. FOREMAN. One. I did not handle his appeal.

Mr. BEESON. Would it be fair to characterize your reputation in April of 1968 then as an effective and an aggressive attorney; is that correct?

Mr. FOREMAN. I had been elected president of the National Association of Defense Lawyers in criminal cases and I suppose that would underline some national reputation.

Mr. BEESON. Directing your attention to the time of Dr. King's assassination in April and the time of Mr. Ray's arrest in June of

1968, did you know the Attorney General of the United States, Mr. Ramsey Clark, personally, at that time?

Mr. FOREMAN. I knew him as Tom Clark's son. Tom Clark and I were close friends. I did not know Ramsey other than by sight.

Mr. BEESON. Did you have occasion to discuss the assassination case, prior to your entrance as attorney of record for Mr. Ray in November of 1968, with Mr. Clark, the Attorney General?

Mr. FOREMAN. No.

Mr. BEESON. Following your appearance in the case in November of 1968, and focusing now on the time of the guilty plea, did you have occasion to discuss with Mr. Clark your consideration of disposing of this case through a guilty plea?

Mr. FOREMAN. Never. The only discussion I had with Mr. Clark was through his office, in attempting to get the FBI records on the surveillance of Dr. Martin Luther King.

Mr. BEESON. What was the purpose of this inquiry?

Mr. FOREMAN. It was with the idea of establishing other motives of other people to kill Dr. King and therefore to check another hypothesis that a jury might find and avoid the beyond a reasonable doubt requirement of the law.

Mr. BEESON. Were you successful in obtaining any records from Mr. Clark?

Mr. FOREMAN. No; I was not.

Mr. BEESON. Again in June of 1968, did you know the Director of the FBI, Mr. J. Edgar Hoover, personally?

Mr. FOREMAN. No; I did not.

Mr. BEESON. Did you have occasion to discuss the assassination case in any way with Mr. Hoover before you entered in November of 1968?

Mr. FOREMAN. I never discussed anything with Mr. Hoover, except the illegal activities of the Houston Police Department in attempting to have defendants marked "Hold for the FBI." That was years ago, and the fact is—1943 or 1944—that's the only conversation I had ever had with J. Edgar Hoover in my life.

Mr. BEESON. Did you have occasion to discuss with any representative of the FBI your intention or your consideration of the possibility of pleading Mr. Ray guilty in the assassination case?

Mr. FOREMAN. I did not ever at any time to anyone.

Mr. BEESON. Mr. Foreman, I would like to focus your attention now on the period of November 1968, when you entered the case on behalf of Mr. Ray.

As you perhaps heard during Professor Blakey's narration, Mr. Ray has stated that you appeared in his cell, essentially unsolicited, a couple of days before the trial and bullied your way into the case. Of course, Mr. Ray's allegation is significant. It raises the possibility of unethical conduct on your part in soliciting a client and the representation of a client for compensation on your own initiative.

Would you give the committee your recollection, please, of how you came into the Ray case?

Mr. FOREMAN. I refused several times—at least three times, commencing in June at the arrest and before Ray had been returned to Memphis—I refused to go to Memphis to talk with Ray. I refused to go to London to talk with Ray. I was asked so to do by Jerry

Ray, James Earl Ray's brother. I was asked to come to Memphis to talk with him. I told him that I would not go to talk with James Earl Ray unless James Earl Ray himself wrote a letter asking that I come, and I did receive such a letter. It came to my office about the 8th—7th or 8th—of November, and——

Mr. BEESON. Where was your office located, Mr. Foreman?

Mr. FOREMAN. Houston, Tex. I was in Waco or near Waco, trying a lawsuit when the letter came. It was read to me over the phone.

Mr. BEESON. Who read the letter to you?

Mr. FOREMAN. My secretary. I went back to my office, and I went by appointment with Jerry and John, who called me. Jerry Ray and John Ray, brothers of James Earl Ray, called me and arranged to meet me in Memphis, and we did meet at the airport. They met me. They were already there. We went to the Admiral Benbow Motel and thence to the Shelby County Jail.

Mr. BEESON. Mr. Foreman, you said you returned to the office. You were in Waco when you were read the letter. You said you were in your office before going to Memphis; is that correct?

Mr. FOREMAN. Yes.

Mr. BEESON. Did you have an opportunity to see the letter at that time?

Mr. FOREMAN. I didn't catch your question.

Mr. BEESON. Did you have an opportunity when you returned to your office to see Mr. Ray's letter?

Mr. FOREMAN. Yes; I did.

Mr. BEESON. Mr. Ray has emphatically denied sending you a letter, Mr. Foreman, is he lying in his denial?

Mr. FOREMAN. If he is speaking, the chances are he is lying, and he is lying when he says he did not write me that letter.

Mr. BEESON. Where is the letter now?

Mr. FOREMAN. The letter with all of the files in the Ray case is in John Hooker's home in the suburbs of Nashville, Tenn., is where I last heard, delivered to my attorney, John Hooker.

Mr. BEESON. When did you deliver the letter to Mr. Hooker?

Mr. FOREMAN. When he directed that I bring him all of my files, suggested that I do so, and it was in connection with this suit that James Earl Ray had filed against Bradford, William Bradford Huie, and me; and I can't fix the time, but it was—we were served within a week after the service of citation on me in that suit.

Mr. BEESON. Have you made an effort to locate the files in the Ray case recently, Mr. Foreman?

Mr. FOREMAN. Yes; I have. John Hooker has died and his firm claims they do not have that set of files in the office. I don't know what disposition was made of it. At the same time I left my files, I left another briefcase and an overcoat, and I got the briefcase and overcoat, but not the files.

Mr. BEESON. To the best of your knowledge then, you are unaware of the location of the letter at this time; is that correct?

Mr. FOREMAN. I have no idea where any of the papers—it was a large box; I guess 2 feet by 3 feet by 12 inches.

Mr. BEESON. Mr. Chairman, I wonder if we could ask the committee clerk to hand Mr. Foreman a copy of Martin Luther King exhibit F-253?

[The information follows:]

F-253

LOOK
MAGAZINE

APRIL 15, 1969

"RAY WANTED TO WIN RECOGNITION."

AGAINST CONSPIRACY

BY PERCY FOREMAN

ATTORNEY FOR JAMES EARL RAY



IF, IN THE DEAD OF NIGHT, I ever summon a physician, and he arrives at my bedside and asks, "Are you sick?" I shall use my remaining energy to leave my bed and throw the fool out of my house. So when a man accused of murder sends for Percy Foreman, I show him the courtesy of assuming he is guilty and that he hopes I can save him from excessive punishment. Else why would

he be preparing to divide his worldly goods, or hope of same, with me?

When, last November, the brothers of James Earl Ray sought me out and handed me a letter from him, beseeching me to represent him, I didn't fly to the Shelby County Jail in Memphis and run a gamut of guards to ask: "Jim, did you do it?" Because on Thursday, April 4, 1968, James Ray was prowling the vicinity of 422½ South Main with a deer rifle, and that is not one of the Volunteer State of Tennessee's several game preserves.

I assumed that Ray had sent for me not to spring him, but to try to save his life. I then, over several weeks, spent 40 hours in conversation with him, endeavoring to bring him to believe that I knew more about the law than he did, after which I saved his life in the only way I thought it could be saved. I consider this no mean achievement.

Why did Ray kill Dr. Martin Luther King, Jr.?

In public discourse, I normally leave the question of why to doctors of philosophy. If they won't defend criminals, I won't write essays. Here, I break my rule and offer a few pointed remarks.

The mouth-filling word "assassination" has been popularized by people who have forgotten its meaning. Others have defined it: An assassin is a secret killer for hire. Under the popular but incorrect definition, the deaths of President John F. Kennedy, Dr. King and Sen. Robert F. Kennedy are called assassinations. But they were not assassinations; they were killings; and Lee Harvey Oswald, James Earl Ray and Sirhan Bishara Sirhan were and are not assassins, but killers.

Why did they kill? They each wanted the world to hear of them. They wanted credit. Top billing. Headlines. Front-page pictures. A by-line. Self-realization. A shortcut to fame. To exercise the ego. To them, notoriety and fame are synonymous. What other men study, plan and struggle a lifetime to achieve, these killers thought they could win with lead.

What did they have to lose? They were social re-

jects: dropouts from the school of achievement, all of them afflicted by burning pride. They had energy, nerve, ambition, but they had more motor than brakes. And a defective steering apparatus. They belonged to the race of men that don't fit in.

They killed neither secretly nor for hire. True, after killing President Kennedy, Oswald fled. The instinct of self-preservation momentarily overcame that of self-realization. But Oswald was a pamphlet peddler. He had boasted to his wife of trying to murder Gen. Edwin A. Walker. Had he lived, he would have boasted of killing a President.

For a few hours, I represented Oswald's killer, Jack Ruby. He was a frustrated showman, successful only at showing off the backside of itinerant girls. To perform before 50 million television viewers was a chance he couldn't resist.

Sirhan tells us in his diary that "we believe that the glorious United States of America will eventually be felled by a blow of an assassin's bullet..."

Before he fled the murder scene, James Earl Ray, carefully watched by three witnesses, deposited on the sidewalk the murder rifle that he had wrapped in his own laundry-marked bedcover to protect his fingerprints on the rifle from obliteration. He also left a canvas bag containing his laundry-marked shirt and underwear, along with a transistor radio clearly bearing his identification number as a prisoner at the Missouri State Penitentiary.

Both rifle and bag he could have carried a few feet further and placed in his white Mustang. But that might have prevented his identification. He wanted to escape, but he didn't want to lose credit. As further precaution against such dreaded loss, he left his fingerprints in the side room that he had rented, and his palm print in the bathroom from which he fired the shot. All this by a man to whom fingerprinting had become a way of life.

A jury must consider the mental state of a defendant in determining his degree of guilt. So a defense lawyer must present his client's thinking as to the act charged. Had I not obtained a waiver of the death penalty for Ray, it would have been my duty to offer testimony as to Ray's beliefs about his victim, even though none of these was my own.

I think Ray believed Dr. King was a Communist; that his crusades had opened the Pandora's box of riot; and that, though he preached nonviolence, by indirection he created Black Muslims, Black Panthers and looters. Ray thinks that the war between the races is imminent, and he wanted to fire the first shot. The shooting of Dr. King, to him, was the Pearl Harbor of that war. He didn't tell me any of this; it is what I believe he thinks.

I don't believe there was any conspiracy. James Earl Ray wanted to win recognition. He hoped that by killing Martin Luther King, he could make the rest of his futile, boring life exciting.

112 LOOK APR 69

MLK EXHIBIT F-253

Mr. BEESON. While that is being done, I will describe this exhibit for the record: This is a copy of a Look magazine article. It is dated April 15, 1969. The title of the article is, Against Conspiracy. The author is Mr. Foreman, the witness today, who is captioned as attorney for James Earl Ray.

Do you recognize the article, Mr. Foreman?

Mr. FOREMAN. I do.

Mr. BEESON. Did you write the article?

Mr. FOREMAN. Yes.

Mr. BEESON. I wonder if I could direct your attention, please, to the second paragraph in the article, and if you would follow along with me, I will read that for the record:

When, last November, the brothers of James Earl Ray sought me out and handed me a letter from him, beseeching me to represent him—

Mr. FOREMAN. That language is not mine; that language is Bradford Huie's. He wrote this. I wrote it as a lawyer would write it and I did not say the letters were handed me by the brothers, but that was the way it appeared here, but it was rewritten for the public by Bradford Huie, but it was my language.

Go ahead.

Mr. BEESON. My question, as you are clearly anticipating, is an attempt to resolve the conflict in this article—which is dated 1 month after the guilty plea—and your current testimony before the committee concerning the method in which you received the letter from Mr. Ray.

You have testified today that this letter was mailed from Mr. Ray to your office in Texas, that you were notified about it by your secretary over the phone—

Mr. FOREMAN. That is correct.

Mr. BEESON [continuing]. And that you went back to your office and reviewed the letter at that time.

As you recognize in this article at least, which captions you as the author, you represented the letter was actually delivered to you through the intermediaries of Mr. Ray's brothers and not mailed by Mr. Ray directly to your office in Texas?

Mr. FOREMAN. I do so represent; that is true.

Mr. BEESON. And your explanation for that contradiction, Mr. Foreman?

Mr. FOREMAN. I wrote this article and actually my agreeing to write the article came through a vice president of Look magazine who was also a lawyer, and from him through William Bradford Huie. When I wrote the article, I was in Tennessee, Peabody Hotel, and I gave it to William Bradford Huie, and he undertook to make it more readable. This is the first time I have read the article since it first appeared. But he took poetic license there several times in telescoping and translating into idiom, but the essence of the article is true, and the bringing of the letter, it was not brought by the brothers; it was mailed to me at my office.

Mr. BEESON. Do you recall testifying about this article as well as several other matters in a lengthy, 7-hour deposition taken as part of the evidentiary hearing of the habeas corpus proceeding?

Mr. FOREMAN. No; I don't. I recall testifying about it. I do not recall what I testified to. I have not read—I have the document, all of that deposition—but I have not read it.

Mr. BEESON. Mr. Chairman, I wonder if the committee clerk could give to Mr. Foreman a full transcript of his testimony in the Federal habeas corpus proceedings?

For the record, Mr. Chairman, Mr. Foreman was deposed under oath as part of the evidentiary hearing.

Mr. FOREMAN. What page?

Mr. BEESON. I will ask you to refer to pages 109 to 112.

Mr. Foreman was deposed as part of the evidentiary hearing in the Western District of Tennessee, the district court that handled the habeas corpus proceedings. The name of the case is Ray versus Rose. It is Civil No. S-74-166. I would ask that Mr. Foreman's deposition be introduced at this time as Martin Luther King exhibit F-276.

Chairman STOKES. Without objection, so ordered.

[The information follows:]

MLK EXHIBIT F-276

DAHL & REED

COURT REPORTERS
711 FANNIN, SUITE 507
HOUSTON, TEXAS 77002

October 15, 1974

W. V. (Buddy) REED
DICK CARPENTER
MARY TRUMAN
GARY TATUM
SHERRY GRAHAM
BILL EATON
IRMA AGUILAR

RESEARCH UNIT-MLK
COPY # 4 OF 4 713-225-05

020031

Mr. W. Henry Haile
Assistant Attorney General
Supreme Court Building
Nashville, Tennessee 37219

RE: No. C-74-166.
Ray -vs- Rose

Dear Mr. Haile:

The following changes were made by Mr. Percy Foreman in his oral deposition of April 3, 1974.

<u>PAGE</u>	<u>LINE</u>	
48	19	Change "January 5" to "January 25"
62	12 & 13	Delete "that was related to a man the Republicans wanted to represent them." and change it to read "to represent him whom the blacks had voted for his son."

The deposition has been forwarded to the U. S. District Clerk for filing on this date.

Yours truly,

W. V. "Buddy" Reed

cc: Mr. James H. Lesar
Mr. Bernard Fensterwald
Mr. Robert I. Livingston

WVR/wl

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES EARL RAY

VS

JIMMY H. ROSE, WARDEN,
TENNESSEE STATE PENITENTIARY)

No. C-74-166



DEPOSITION OF PERCY FOREMAN

(ORIGINAL)

DAHL AND REED
COURT REPORTERS
HOUSTON FIRST NATIONAL BLDG.
HOUSTON, TEXAS

1 IN THE DISTRICT COURT OF THE UNITED STATES
 2 FOR THE WESTERN DISTRICT OF TENNESSEE
 3 WESTERN DIVISION

4 JAMES EARL RAY)
 5 VS) No. C-74-166
 6)
 7 JIMMY H. ROSE, WARDEN,
 TENNESSEE STATE PENITENTIARY)

8
 9 APPEARANCES:

10 For the Plaintiff:

11 Mr. James H. Lesar
 12 Attorney at Law
 1231 Fourth Street S. W.
 Washington, D. C.

13 and

14 Mr. Robert I. Livingston
 15 Attorney at Law
 940 Commerce Title Building
 Memphis, Tennessee

16 and

17 Mr. Bernard Fensterwald
 18 Attorney at Law
 910 16th Street N. W.
 Washington, D. C. 2006

19 For the Defendant:

20 David M. Pack, Attorney General
 21 Supreme Court Building
 22 Nashville, Tennessee
 23 By: Mr. W. Henry Haile
 Mr. Joseph Haynes
 24
 25

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DEPOSITION OF PERCY FOREMAN, taken
on the 3rd day of April, 1974, in the offices of Dahl &
Reed, 502 Houston First Savings Building, 711 Fannin,
Houston, Harris County, Texas, between the hours of 9:20
a.m. and 4:20 p.m., pursuant to notice and following
stipulation.

S-T-I-P-U-L-A-T-I-O-N

IT IS STIPULATED by and between counsel for the respective parties hereto, that the deposition of PERCY FOREMAN, may be taken at this time and place, before W. V. REED, a Court Reporter, certified under the laws of the State of Texas, and a Notary Public in and for Harris County, Texas, all formalities and requirements for the taking and return of deposition being waived, except the signature of the witness, which must be obtained before filing.

IT IS FURTHER STIPULATED that the necessity for the making of objections to the questions and answers at the time of the taking of this deposition is waived, and that such objections may be made when the deposition or any part of it is offered in evidence, with the same force and effect as if the witness were present and testifying in person.

1 MR. LESAR: I would like to make a
2 brief statement with regard to the notice of the
3 taking of this deposition which states that this
4 deposition is being taken for use in evidence.

5 We do not agree at this time that this
6 deposition is admissible in evidence, and we want to
7 make it clear that if Mr. Foreman is physically able
8 to testify at the Evidentiary hearing, we will
9 expect him to testify.

10 MR. HAILE: Well, that is fine. If
11 you all can find a way to force him to testify, you
12 let us know.

13 MR. LESAR: We will let the Court
14 decide that.
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PERCY FOREMAN,

the witness, was by the notary duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, and thereupon in answer to questions propounded by counsel, testified as follows:

DIRECT EXAMINATION

By General Haile:

Q Let me lead you a little bit, in the interest of time.

This is Percy Foreman, he is an attorney who practices in Houston, Texas, and all over the country, I believe; he is a member of the Texas Bar.

You were the attorney for James Earl Ray in a case in which he was convicted for the first degree murder of Martin Luther King?

A I was one of the attorneys at one time.

Q Would you give us your date of birth, Mr. Foreman, and some idea of your experience in criminal cases?

A June 21, 1902, and I have practiced criminal cases along with civil trial work since 1927 in Houston and all throughout Texas and throughout the United States in both Federal and State Courts.

Q When did you first become attorney of record for James Earl Ray?

1 A November 12, 1968.

2 Q And did you continue -- and, you continued as his
3 attorney until what time?

4 A March 11 -- 11 or 12 of 1969.

5 Q Did Mr. Ray plead guilty?

6 A Yes.

7 Q What date was that, if you remember?

8 A March 10, 1969.

9 Q All right, sir. Now, Mr. Foreman, the allegation has
10 been made, the charges have been made by Mr. Ray that
11 his plea of guilty was not voluntary, that it was not
12 voluntarily made, and that it was involuntary in part,
13 at least, because of conditions in the Shelby County
14 jail.

15 I want to ask you a series of
16 questions about the conditions in that jail.

17 First, with regard to Mr. Ray's
18 physical condition, was he an -- what kind of physical
19 condition was Ray in when you first saw him in
20 November of 1968?

21 A Good.

22 Q Did his condition deteriorate during the time between
23 November 10, 1968, and the time he pled guilty?

24 A It did not. It appeared to me that he gained some
25 weight. I commented on it to him.

- 1 Q Did he have any medical complaints that you knew of?
- 2 A He did not.
- 3 Q Did he ever complain to you about having any headaches?
- 4 A He did not.
- 5 Q Did he ever complain to you about having any nose-
- 6 bleeds?
- 7 A He did not.
- 8 Q Did he have any other medical complaints at all?
- 9 A Not to me, ever.
- 10 Q Did he ever complain to you about the conditions of
- 11 his confinement up there in the Shelby County jail?
- 12 A No.
- 13 Q Did you ever inquire of him about that?
- 14 A I commented on the constant surveillance, meaning the
- 15 remote controlled television, and asked him about that,
- 16 and about the lights being on continually. He stated
- 17 that they bothered him at first, but that he had
- 18 gotten used to it.
- 19 Q Was he able to sleep well under those conditions?
- 20 A He did not complain about any loss of sleep. While
- 21 it was still light in his room, it wasn't bright
- 22 light where his bed was in the remote part of the
- 23 quarters allotted him.
- 24 Q About the surveillance, would you describe the kind
- 25 of surveillance that went on?

1 A Well, it was a remote video screen where he could be
2 watched by the officers that were watching him, and,
3 as I recall, there were at least two and maybe three
4 cameras in his room, and I guess you would call it,
5 for want of a better term I would call it quarters,
6 meaning three cells, or three or four or more cells,
7 what we used to call a runaround.

8 Q Was this more or less space than the other prisoners
9 up there had?

10 A I did not have occasion to be in others, but it was
11 more space that I ever saw a prisoner have in a jail.

12 I don't know about the Shelby County
13 jail, but I have been in many, many jails all over
14 the country, and there was far more space and it was
15 private.

16 Q What about the effect of the surveillance on your
17 ability to communicate with your client in a
18 confidential manner?

19 Did the surveillance continue while
20 you were in conference with him?

21 A Oh, yes, I am sure that the surveillance continued.

22 I always am under a handicap when any
23 prisoner is in jail. For that reason I generally
24 carry on my conversations with them in writing to
25 obviate any automatic listening devices or bugs.

1 Most of my conversations with Ray were
2 that way.

3 Q Did the TV monitors and the microphones stay on
4 while you were in there?

5 A I couldn't see anything but the cameras, but I assume
6 they were on.

7 Q You don't know whether they were on or not?

8 A No, no, I don't know that they were, because the
9 picture part was outside.

10 I could see Ray in there before I went
11 in with him and I could see him after I came out, but,
12 of course, I couldn't see him while I was in there
13 with him.

14 Q Did you feel like this hindered you in any way in
15 your preparation of the defense?

16 A Not any more than any other prisoner in jail as
17 distinguished from being on bond.

18 I prefer to have my clients on bond.

19 Just the confinement materials, the
20 video scoping or taping, or whatever they did, did
21 not hinder.

22 Q What about the food up there? Did he ever complain
23 about the food?

24 A He did not.

25 Q Did he ever complain about his lack of access to

1 visitors, mail, television?

2 A Well, they would only give him his mail through me.

3 They would hand it to me as I would go in, and I
4 believe this is right, at least they did from time to
5 time give me mail, such as it was, that had
6 accumulated. I had no trouble giving it to him as I
7 went in. I don't know why, I have an idea they gave
8 it to him just like they gave it to me.

9 Q Did he have reasonable access to visitors?

10 A I don't know what their regulations were.

11 Every jail has regulations as to
12 visitors and I don't know whether they were any
13 different to him or not.

14 I never had any trouble getting
15 anybody in there that I wanted when they were with me.

16 Q What about members of his family?

17 A Nobody of his family ever came at, near or about him
18 except Jerry.

19 Q Could Jerry get to him any time he wanted to?

20 A I don't know about any time he wanted to, but I know
21 there was one day a week that he could get in, at
22 least that was my inference. The way I got that
23 came from Ray, himself, "They will only permit him
24 on a certain day. Will you bring him in on some
25 other day," and I did bring him in one or two times,

1 or three, with me.

2 Q What was your estimate of Ray's intelligence?

3 A I thought he had a cunning mind. He had been around
4 a lot, but he had the typical reactions of a man who
5 had spent most of his life, since he was 18 or 20,
6 behind bars. They all have the same intellect, the
7 ones I have talked with. Their mind usually turns on
8 getting out, "escape," and his did. He had a -- I
9 did not think that he had more than a sixth or seventh
10 grade education, that is what I would have gauged, but
11 I did not give him any tests.

12 Q What about his --

13 A He wanted -- he was ambitious, you could tell from
14 the books that he had in his -- like cybernetics,
15 three or four books on cybernetics, and a lot of
16 new astrological, I believe, and several of the new
17 pseudo sciences. He was always trying -- he read that,
18 that was his reading material.

19 Q Talking about his intelligence as opposed to his
20 education, would you consider him above or below
21 average intelligence?

22 A Well, he was of average intelligence for a man of
23 a sixth or seventh grade education with a lot more
24 polish for having roamed around.

25 A lot of education can be gained that

1 way.

2 He had acquired a certain polish from
3 just moving around this and other countries.

4 Q What about his mental attitude during the time you
5 knew him there?

6 Was he unusually depressed?

7 A No, he wasn't, I did not consider him so.

8 Most people in jail are not as buoyant
9 and happy as people outside. He wasn't any different
10 than any other of hundreds and maybe thousands of
11 people I have talked to in jail.

12 Q Was he alert?

13 A Yes, sir, he was.

14 Q Was he able to communicate with you about his case?

15 A Yes, he was.

16 In some fields he was far above normal
17 average. He could remember places, descriptions,
18 locations and could draw you a map that would be
19 exactly right when you went to check it out. He
20 could remember distances far better than most people,
21 than most anybody I have ever represented.

22 Q During --

23 A He wasn't -- he would associate conditions with
24 words. He would confuse -- he couldn't assimilate
25 a point of law, of evidence. He couldn't understand

1 people using their minds as distinguished from
2 their emotions, or reactions, or prejudices.

3 Q In other words, he wasn't much of a lawyer?

4 A No, and he was confused about some of the words that
5 he had read in the paper and that lawyers had used in
6 his presence.

7 Q Were you able to correct his misimpressions on those
8 scores?

9 A Well, yes, I know I was on two of them.

10 Q What were those?

11 A Well, the first one was "conspiracy."

12 He had the misapprehension that if
13 he was part of a conspiracy that he could not himself
14 be guilty of murder, that conspiracy was a defense to
15 murder, that it wouldn't be against the law to kill if
16 you killed as part of a conspiracy, and he had
17 claimed to have been led to believe that, but I think
18 that it was just perceiving the 5,000 a month from
19 Bradford Huig through Hanes and their preachment of
20 conspiracy. He associated the good thing, the money,
21 with conspiracy. That is what I meant by saying he
22 would learn like an animal rather than by logic.

23 Q Yes.

24 A The other thing that he had a misapprehension about
25 was he could, sense Nixon and Wallace had received

1 70 percent of the Shelby County vote, that a jury
2 should be expected to be 70 percent in his favor
3 because he equated every vote they got anti-black,
4 and he thought that.

5 I had to explain -- he couldn't
6 understand how a juror could follow his oath and
7 consider evidence, go by the evidence, and judge and
8 return a verdict in accord with the evidence and his
9 oath.

10 Q In other words, it is fair to say he thought everybody
11 who voted for Nixon and Wallace in Shelby County was
12 in favor of having Martin Luther King killed?

13 A Well, that would be unfair, but it is sort of a
14 shorthand rendition.

15 He thought everybody was like him.
16 That isn't unusual for people. He thought everybody
17 thought like he thought, and he thought the killing
18 of Martin Luther King would make him the champion of
19 the white race, that he would be the most popular
20 man in America.

21 He was a racist -- he is a racist, and
22 has been one all his life. He could not think of
23 anybody else not being a racist if they were white.

24 Q Did you notice any change in his alertness or his
25 mental condition during the time you knew him?

1 A No.

2 Q Was there any change in his ability to communicate
3 with you during that time?

4 A None whatsoever.

5 Q I guess you have been in quite a few jails in your
6 time.

7 How would you compare the Shelby
8 County jail with other jails you have seen?

9 A It was an old jail, and the steel cages or cells
10 were built 20 or 30 or 40 years ago, but they are
11 kept clean and freshly painted. There is no bugs in
12 it. There is no smell of creosote that you see in
13 most jails. Actually, it was well run from
14 downstairs all the way through with double protection
15 from the time you enter. The officers were all
16 considerate and courteous, not just to me but to
17 everybody, and I wouldn't -- I have been in a few
18 other jails that were as well run, but very few.

19 Q What about Ray's own conditions of confinement? How
20 would that compare with those of others?

21 A Clean, they were kept clean -- he kept them clean.
22 He had nothing else to do.

23 Q Were his conditions of confinement more onerous or
24 less onerous?

25 A I could not say about the rest of the jail. I never

1 was in any of it except the downstairs where they
2 exit and enter, and up on whatever floor he was on,
3 I have forgotten now, but there wasn't any -- he never
4 made any complaint whatsoever about anything except
5 the one time we talked about the lights and the
6 television.

7 Q He did have far more space than other prisoners
8 ordinarily have?

9 A Oh, yes. Most prisoners are lucky if they have got
10 six by nine feet, and he had about 25 by 40, at least.

11 Q Now, you mentioned that he thought he had a couple of
12 defenses.

13 You mentioned that he thought it was
14 a defense if somebody else was involved with him. Is
15 that right?

16 A Just the word conspiracy so overused, a period that
17 had been overused in his presence, and the good thing
18 associated with it, lionized by it, he wanted to
19 perpetuate.

20 Q You mentioned he thought no Shelby County jury would
21 convict him because they shared his prejudices, but
22 were there any other theories of defense he had, that
23 would establish a defense for him?

24 A No, and furthermore I did not hold to that belief about
25 the jury voting for his defense. I was able to show

1 him that that was an ill conceived concept.

2 Q Did you discuss the evidence against him with him?

3 A I did.

4 Q In detail or just --

5 A Great detail, and I would carry him along with the
6 questioning -- to keep from having to sit there for
7 an indeterminate period of time and having him answer
8 it, I would come back maybe the next day, or two or
9 three days, and pick him up long before I started
10 doing that.

11 Q These were questions you wrote out yourself?

12 A Yes, right, and I would get the answers, and that went
13 on for a good while, and I would ask him a lot of
14 personal questions, checking on everything he had
15 said, nothing about what he had read.

16 I read everything there was from
17 London or this country that had been printed in
18 magazines on the West Coast, East Coast, a complete
19 file of both papers in Memphis.

20 Q Did you discuss with him -- let me back up a minute.

21 Did he ever indicate any dissatis-
22 faction with your efforts?

23 A Never, at any time, until the day or two, either the
24 next day or the second day after the 10th of March I
25 got a telegram from him, I believe it was, notifying

1 me to take no further action in his behalf.

2 He had expressed thankfulness and
3 appreciation after the plea for the result.

4 Q How did he do that?

5 A To me there at the courthouse, and Jerry asked me to
6 come back, said he would like for me to come back so
7 he could thank me again that afternoon. As I recall,
8 all that took place in the morning. Jerry went back
9 and stayed the rest of the afternoon, stayed at my
10 hotel a while, and came back and said 'James Earl Ray
11 didn't believe he had expressed his appreciation
12 adequately for what he believed I had done for him.

13 Q He decided to plead guilty several days or weeks
14 before March 10, did he not?

15 A Oh, yes. I don't know exactly the date, it didn't
16 make any difference, but it was well before we wrote
17 each other letters, or rather I wrote him a letter
18 and then he wrote me an affidavit. I prepared the
19 affidavit, I had him write it out in his own
20 handwriting at first, or, rather, I transcribed it
21 to a typewriter, put a jurat on it and made him sign
22 it. This was -- I think that was the 18th of
23 February, and I would guess it was -- I don't know,
24 it was two or three weeks ahead of that, but he had
25 indicated as soon as he understood that jurors did

1 not necessarily vote their -- in fact, there were
2 two or three cases tried while I was there. I stayed
3 there most of the time from November 16 or 17 until
4 March 10, and there were several cases with people
5 with good records. One naval hero was given 99 years
6 for a drunken killing, they just found two bodies in
7 his house. Whatever that penalty was had a lot to do
8 with Ray changing his concept. There were several of
9 those there.

10 Q Was he aware of the various legal rights that he had,
11 to be confronted by his accusers and so forth?

12 A Yes, he was.

13 Ray has been in court all -- he was
14 in the penitentiary most of his adult life, and he has
15 taken over one case in St. Louis in the middle of the
16 trial and insisted on conducting it from that time on.
17 He thought he could try a case as well as any lawyer.
18 We discussed it. He was far more intelligent in that
19 direction than the average defendant in a criminal
20 case. He did not have a misconception that he wasn't
21 given any rights, and "Therefore, I am innocent," like
22 so many do have. He well knew -- as a matter of fact,
23 I told him I would carry the case all the way to the
24 Supreme Court. I assumed when I was first employed
25 that was what would happen.

1 Q Did you discuss the effect of various possible
2 sentencing outcomes with him?

3 A Yes. I told him I thought it was my duty to explain
4 to him the difference between a life sentence and a
5 99-year sentence, and under the Tennessee law, as I
6 understood the cases, he would be required to serve
7 33 years on a 99-year sentence, and on a life
8 sentence, he wouldn't do more than about 15 at the
9 most, and he said, "Mr. Foreman, it doesn't make any
10 difference to me." He said, "There isn't any
11 penitentiary in Tennessee that they can keep me more
12 than two years except in maximum security."

13 He said, "It doesn't matter to me what
14 the sentence is."

15 He said, "If I haven't gotten out in
16 two years, I will throw a writ."

17 Q Did he ever protest his innocence to you?

18 A He never even intimated that he expected anybody to
19 believe he was innocent.

20 Q Did you talk to other members of his family about the
21 possibility of a guilty plea?

22 A Yes. I had been brought into this case originally
23 by Jerry. I had several phone calls and at least one
24 letter from Jerry starting in June immediately upon
25 his arrest, even before he came back from England.

1 Each time I told Jerry I would not be available for
2 consultation or employment until and unless the
3 Defendant sent for me, and I would have to have a
4 letter in writing from him asking me to come before I
5 would come, and since the family -- later I talked
6 with John, I don't know when I first talked to John,
7 his brother, John, and since I had talked to them, I
8 figured that I owed a duty to them before I would let
9 him plead guilty to go over with them. I called them
10 and they suggested that they meet at the sister's home,
11 Mrs. Pepper that lives in a suburb of St. Louis, and
12 I told them if that was going to be so, they just as
13 well get all the family there including the only one
14 left, I believe his mother is dead, I am almost sure
15 she is, his father was almost 70 years old then, and
16 living in some little community up in the hills of
17 Missouri, and they were all there. I had to go to
18 St. Louis. I was really going to the Jefferson City
19 Penitentiary to check on some things.

20 I met them all there at the house one
21 evening at 7 o'clock. I was with them for about two
22 hours, and I explained the whole thing to them, all
23 of our discussions, and, of course, they all wanted
24 to know what the chances were, and I told them what
25 I told Jerry, that I thought if he was convicted that

1 he would get sentenced to the electric chair.

2 One of the times when I told him that,
3 he said, "Does that mean I will be kept in maximum
4 security while I am in the penitentiary?"

5 And I said, "I don't know, but during
6 my experience, I think most of them are."

7 I just told them the odds, told them
8 the evidence as I understood it to be.

9 Q What was their reaction?

10 A They all thought he ought to enter a plea, and that
11 he ought to be put in a institution if he didn't, for
12 they said, I don't remember the expression, but the
13 consensus of opinion was that he would be foolish if
14 he didn't plead guilty and if he could get the death
15 penalty waived.

16 Q Did he ever say or do anything that indicated to you
17 that he -- that his plea was involuntary?

18 A No, he did not.

19 Q At one point in either the petition or some letter
20 or statement he has made somewhere he says he wrote
21 you a letter listing several reasons why he thought
22 he should not plead guilty.

23 A That is false, untrue. He never did anything of the
24 kind. If he wrote me such a letter, he never showed
25 it to me, and I never saw it.

1 Our relation was not that way. I
2 wrote him the letter I did so I could show a copy of
3 it to my people, and for my own safety. I do that
4 frequently and have done it as a matter of practice
5 in many cases that I knew were serious cases so that
6 when it is over and it happens the way I believe it
7 is going to happen, I can always show that I attempted
8 to protect the client from that decision and that it
9 is entirely his decision.

10 Q Let me show you copies of certain letters.

11 Now, here is a copy of a letter from
12 you to James Ray dated February 13, 1969.

13 My first question, I guess, would be,
14 does that appear to be a true copy of the letter you
15 actually wrote?

16 A It is on my letterhead and the first paragraph is
17 all I have read, but it is my language, and I am sure
18 it is -- yes, his signature is on it.

19 Yes, I wrote this letter.

20 GENERAL HAILE: Let's make that
21 Exhibit No. 1, I guess.

22
23 (Whereupon Defendant's Exhibit No. 1
24 was marked by the reporter, copies of which are
25 attached hereto).

1 Q (By General Haile) I have another letter dated
2 February 18, 1969, which is from James Earl Ray to
3 you, that states his decision to plead guilty and
4 authorizes you to negotiate a plea on the condition
5 that the State waive the death penalty.

6 I wish you would identify that and
7 see if that is a letter that James Earl Ray wrote to
8 you.

9 A Yes. That was written by me and signed by him, and
10 the purpose of this also was to protect me from his,
11 from the embarrassment of spending the time that I
12 would have otherwise have needed to continue working
13 on the preparation of presentation of witnesses, to
14 give me time -- to keep him from changing his mind,
15 the possibility of it. You can never tell what a
16 person is going to be thinking the next day if they
17 are confined, and I just wanted that protection to
18 back me up before I started on the work.

19 That helps me fix the date when the
20 negotiations were started.

21 GENERAL HAILE: All right. Let's make
22 this Exhibit No. 2.

23
24 (Whereupon Defendant's Exhibit No. 2
25 was marked for identification by the reporter, copies

1 of which are attached hereto).

2
3 Q (By General Haile) Now, how long after that was it
4 that the Attorney General and Mr. Canallay agreed to
5 accept Ray's plea?

6 A I talked to Judge Battle first because in the Sirhan
7 Sirhan case, in Los Angeles, the trial judge had
8 refused to accept such an agreement.

9 Q Even after the prosecution had agreed to it?

10 A The prosecution and defense lawyers had worked out an
11 agreement, but the trial judge would not permit the
12 agreement to go through, and I did not want to go
13 through a waste of time and negotiations, it would
14 take days of negotiating, so I did talk to the Judge
15 probably the same day, and I met either that day or
16 immediately after the Judge had said that he would not
17 oppose it.

18 Mr. Canallay said he would have to,
19 as far as he was concerned, he would consider it, but
20 he had to make some inquiries, and I understand from
21 someone else and not from him, that he did confer with
22 Coretta King, the wife, and Martin Luther King, Sr.,
23 the father, and perhaps some other people, and after
24 a few days they agreed, too.

25 Then we started working out

1 stipulations and so forth.

2 Q I have a document here which is entitled "State of
3 Tennessee versus James Earl Ray, Proposed Stipulation
4 as to Material Facts Which the State Would Prove in
5 the Course of This Trial Through Lay and Expert
6 Witnesses," and it goes on, I won't read the full
7 title. It is quite long.

8 I wish you would look at that and see
9 if that is a copy of the certain stipulations that
10 were given to you, or that you wrote, for that matter.

11 A I did not write them. I sat with Mr. Beasley, an
12 Assistant Attorney General who is now a Judge, I
13 think his name was James -- is there a Judge James
14 Beasley?

15 Q Yes, sir.

16 A And we went through them a lot, and we spent, with a
17 Mr. Carlisle, an investigator, a very intelligent man --
18 both of them are -- and we worked, as I recall, three
19 or four days on these.

20 Q Did you discuss those with James Earl Ray?

21 A Yes, sir. After they had been prepared, I took them
22 to him in his cell in the Shelby County jail and went
23 over them one by one.

24 Q Do you remember about what date that was?

25 A Well, I cannot -- I could only guess, but, no, I

1 couldn't tell you the date, but it was some time
2 between, let me see, the 25th of February, I would
3 guess -- my best judgment is the only way I can
4 estimate it, and it is between the 25th of February
5 and the 1st of March.

6 Q Now, you stated that you went over those with James
7 Earl Ray one by one.

8 Did he agree to all of them?

9 A No. There was one of them that -- the first time I
10 ever saw him really angry or violent, he wasn't
11 violent, but his face was flushed and he said, "I
12 will not agree to it. I will not." And that was the
13 one about, Number 17, "That in December, 1967,
14 Defendant drove to New Orleans with Charlie Stein
15 and brought Rita Stein's children back to Los Angeles
16 after having taken Charles Stein, Rita Stein and
17 Marie Martin to George Wallace Headquarters in Los
18 Angeles for the purpose of registering for Wallace,"
19 and he went into a long explanation about getting
20 some tires that just happened to be near the
21 headquarters, and that was near the headquarters, and
22 so forth.

23 Then, there was one other one that,
24 something about the F.B.I., if the F.B.I. is in here.
25 There was one other one, both of them completely

insignificant as regards the overall issues at bar.

Q Well, did he initial -- are those his initials down there at the bottom of every page?

A Yes.

Q Do you remember that he personally initialed every page of that?

A I do. I don't know that this thing about the George Wallace Headquarters was up there or in his, in the courtroom, but at some time it was raised just like I said, with an explanation that he had just gone over in that area to buy some tires, but I do know that there were two places, just a few words in one of the other stipulations, and I don't know which one it was.

Q If you would look at paragraph number 37 there.

If you would, just read that, it's not very long.

A "That at approximately 6:01 p.m., April 4, 1968, Defendant fired a shot from the second floor bathroom of the rooming house and fatally wounded Dr. Martin Luther King who was standing on the balcony of the Lorraine Motel."

Q Did you go over that particular one with James Earl Ray?

A Yes, sir, I did, I went over every one of them.

1 Q Did he make any objection or change in that one?

2 A He did not.

3 Q Does that appear to be a true copy of the original?

4 A Yes. It has got his initials, or his handwriting, as
5 I recall it, and it has got my initials and my
6 handwriting, and I would, therefore, say, yes, it is
7 a true copy.

8 MR. HAYNES: Let's make that Exhibit
9 No. 3.

10
11 (Whereupon Defendant's Exhibit No. 3
12 was marked by the court reporter, a copy of which is
13 attached hereto).

14
15 A They are on every page, further answering that
16 question. I know I did read it to him, and I know he
17 did object to that paragraph in his cell, but, and I
18 took it back to Beasley and told him we would have to
19 leave that out or change it. I remember doing that.
20 I don't remember whether he changed it then or rewrote
21 it then, or what.

22 Q That is a paragraph that refers to Wallace?

23 A That's right.

24 Q I hand you another document here which seems to be a
25 written narrative, which starts out, the first page.

1 is, "In the trial of this cause the State of
2 Tennessee would introduce witnesses who would testify
3 in substance to the following facts and circumstances,"
4 and I wish you would identify this and tell us what it
5 is, but over on page 5 there is a part marked out
6 there, and I would like to particularly call your
7 attention to that.

8 A This was an agreed narrative to dispense with the
9 bringing of these witnesses whose names appear in
10 each paragraph from their respective homes. It was
11 prepared, given to me and gone over with the Defendant
12 by me. He and I went over it together. There were
13 certain of these paragraphs that I did not, I made
14 them show me some proof either in the form of a
15 statement, or otherwise, but eventually we agreed to
16 this. We worked on this along with those stipulations.

17 The paragraph and the notation that
18 you called attention to that is lined out, "That this
19 agreement was on the condition that Marie Martin,
20 Charles and Rita Stein would register for George
21 Wallace in California. Marie Martin would testify
22 that the following morning the Defendant picked the
23 three up in his Mustang and drove them to Wallace
24 Headquarters where they registered," now that was
25 changed, as I recall, at the desk in the courtroom on

1 the morning of March 10 just before this was read,
2 having been objected to at that time by James Earl
3 Ray, and I think that is the only correction that he
4 made.

5 Q Now, I believe that document has your signature
6 affixed to the bottom of it, too.

7 A Yes, it does. Yes, I approved it.

8 Q Now, as I understand, your testimony is that James
9 Earl Ray also read that.

10 A Yes, he did.

11 Q And approved every word in it except the parts that
12 were changed?

13 A Yes, sir.

14 Q Does that appear to be a true and correct copy of the
15 original?

16 A Yes, it does.

17 GENERAL HAILE: Let's make that the
18 next exhibit.

19
20 (Whereupon Defendant's Exhibit No. 4
21 was marked by the court reporter, a copy of which is
22 attached hereto).

23
24 Q (By General Haile) Now, that was -- you were shown
25 that document, I believe, for the first time on the

1 morning of the plea?

2 A That is my recollection -- no, I think I worked on
3 that in connection with the stipulations.

4 Q So, he had seen it before the morning of the plea?

5 A Yes, I think he had.

6 I apologize. This has been some six
7 years, more or less, and I have been in trial
8 constantly since then. I don't have an absolute,
9 positive recollection, but that is my best recollec-
10 tion.

11 I know the stipulations were there,
12 and I think the statement was, also.

13 Q Now, I want to hand you another instrument that also
14 has your initials and what appear to be James Earl
15 Ray's initials on that, and ask you what that is.

16 A This is the, Judge Preston Battle's voir dire of the
17 Defendant, explaining to him the effect of his waiver
18 of a right to put on witnesses and a defense and of
19 an appeal both to the Tennessee Court of Criminal
20 Appeals, the Supreme Court, and the Supreme Court of
21 the United States, and what his punishment would be,
22 and asking him if he clearly understands it, and if
23 anyone has used any pressure on him of any kind to
24 get him to plead guilty, and his answer under oath
25 that none had been so used and that he was pleading

1 guilty because he was guilty and for no other reason.

2 Q Did James Earl Ray answer those statements in your
3 presense?

4 A Yes. He initialed the first two pages and signed the
5 last page.

6 Q And when was that prepared and when was it signed and
7 initialed?

8 A I don't remember, but I recall that there was some
9 order or requirement by the Judge, or suggestion by
10 the prosecuting attorney that it be done.

11 Q But it was done before March 10, was it not?

12 A No, it couldn't have been done before March 10,
13 because the voir dire was done on March 10. There
14 wasn't any plea except right there in the courtroom.

15 Q He initialed that on March 10?

16 A Whenever it was written up, yes, it would have to have
17 been.

18 Q But it wasn't done before then?

19 A No. This is a copy and it is bound to have been
20 transcribed, because it wouldn't have been -- she is
21 bound to have done it in the courtroom, but I don't
22 recall, I think Miss Ottwell, the court reporter,
23 wrote this up, I think she was present, it may have
24 been somebody in the clerk's office.

25 GENERAL HAILE: Would you mark this,

1 please?

2
3 (Whereupon Defendant's Exhibit No. 5
4 was marked by the court reporter, a copy of which is
5 attached hereto).

6
7 Q (By General Haile) What was his demeanor like in the
8 courtroom on the day of the plea? Was he excited?

9 A No. He was in perfect control, far more than one
10 would normally think considering all the pressure
11 from the public, the crowds and so forth. He did
12 interrupt the proceedings once to state that he was
13 admitting that there wasn't a conspiracy, just the
14 one sentence, and some more questions of him by the
15 Judge about if he wanted to change his plea, and he
16 reiterated his desire not to, stating that he wanted
17 to proceed with his plea.

18 Q He did not in any way indicate that the plea was not
19 voluntary?

20 A He said it was voluntary and again protested, as I
21 recall, whatever is in the record is there, I have
22 heard so many of these that I may not get it clear
23 in my mind.

24 Q Now, an allegation has been made that you pressured,
25 that you got into this case for money in the first

1 place and that you pressured Ray into pleading guilty
2 in order to help the sales of a book that was to be
3 written by William Bradford Huie.

4 Now, I believe you testified earlier
5 that Jerry Ray had contacted you as early as June or
6 July of 1968. Is that correct?

7 A It is my recollection that James Earl Ray had not
8 even gotten back here from England. He was arrested,
9 as I recall, on June 4 in London, and my recollection
10 is that he had not gotten back, that he got back here
11 about June 18, and he had called me several times, at
12 least two, I think three, and maybe four times between
13 June and November.

14 Q Well, what kind of requests was he making to you?

15 A He wanted me to go talk to his brother, and I told him
16 I would not go until and unless his brother asked me
17 to come.

18 Q Did he ever -- did James Earl Ray ever ask you?

19 A Yes.

20 Q How did he do it?

21 A With a one-page letter, maybe it was two pages.

22 Q Do you remember the approximate date of that?

23 A Yes, it was -- I have been trying to think how that
24 letter was received, whether it was received through
25 the mail or whether Jerry told me he had the letter

1 and handed it to me on Sunday, the 10th of October,
2 when I got to Memphis. I know that I got the
3 information on the 9th, 8th or 9th of November, that
4 there was such a letter from a phone call from my
5 office.

6 I went back to my office, and I don't
7 know whether I picked up the letter there or whether
8 I picked it up in Memphis, but I did go -- I was in
9 Waco, Texas, lecturing at the law school at Baylor
10 University, and when I got -- I phoned the office and
11 learned about the letter, and knowing it was written,
12 either it had been received at my office or that
13 Jerry had it, I agreed to go, but I had the letter
14 with me when I went to talk to James Earl Ray.

15 Q You went to the jail in Memphis on the 10th. Is that
16 right?

17 A On Sunday, yes, about 11 o'clock in the morning.

18 Q All right, sir. Now, Jerry and John say they met you
19 at the airport with copies of certain contracts
20 between James Earl Ray, William Bradford Huie and
21 Arthur Hanes..

22 A That is wholly false, utterly untrue.

23 Q You don't remember seeing those contracts at that
24 time?

25 A No. All of these stories about these contracts have

1 been printed, and I knew of the existence of the
2 contracts, but I did not see -- I knew nothing of the
3 contracts. As a matter of fact, I did not approve
4 of any such contracts and did not approve of these
5 stories in Look Magazine.

6 Q Was there any discussion of any fee between you and
7 Ray at that time on November 10?

8 A It was just incidental.

9 At first Ray's approach was -- this
10 is another misconception he had. He believed that if
11 you hired a new lawyer or had an appeal, that reversal
12 was practically automatic. As a matter of fact, in
13 his concept it was automatic, and he wanted to know if
14 he could hire me on appeal. That was his first
15 approach to me.

16 I explained to him that what you did
17 on appeal; that you were stuck with the record made
18 at the trial and they went into what had been done,
19 and so forth, and then he asked me about if I would
20 accept employment.

21 He said they were going to trial the
22 next day, he had been told that they were, and he was
23 he didn't think much of the possibilities of winning
24 his case, and he eventually asked if I would accept
25 employment, and if so, what my fee would be, and I

1 said in a case of this moment and this much time we
2 are looking at approximately \$150,000 plus expenses
3 if I should get it on a fee, but, I said, "You can't
4 pay that, and I don't think anybody can, and if I come
5 into this case --" -- I don't know -- he then told
6 me that he thought he would get a fixed amount of
7 dollars, a large amount of money, up in the hundreds
8 of thousands from the book, and I said, "I don't
9 believe that. I just don't think that."

10 That was the only discussion of his
11 mentioning that amount, but I did not say, "I will
12 represent you for \$150,000."

13 Q In other words, your understanding was that you
14 would represent him and then if he got any money, why,
15 he would pay you?

16 A Yes.

17 Q Did he agree to that?

18 A Yes.

19 Q Did he discuss with you his reasons for firing
20 Arthur Hanes?

21 Did he talk about the relationship
22 between Hanes and Ruie?

23 A Yes, he said several things about them, but I didn't--
24 I don't want to repeat what he said about them.

25 He did not say anything bad about

1 Huie, he was very happy with Mr. Huie, but he was not
2 with Mr. Hanes. They had had very bitter exchanges
3 within the last few days.

4 Q Over what?

5 A I don't know what it was over, but I know Hanes
6 wouldn't come talk to him and he thought Hanes was
7 mad at him.

8 Q He had lost confidence in him?

9 A Well, yes. There was no rapport at all between them.
10 He had done something or said something or written
11 Hanes a letter or something, I don't know what it was,
12 but he had in his own mind given up on Hanes, and
13 Hanes knew it and Hanes was unhappy with him as a
14 client, and he was unhappy with Hanes as a lawyer.
15 That was his story to me.

16 Q Was part of the disagreement between him and Hanes
17 about whether or not he should get on the witness
18 stand?

19 Do you remember that part?

20 A I know he wanted to get on the witness stand, but I
21 don't recall exactly what it was that the agreement
22 was over -- disagreement was over.

23 Q Did you tell him then that you did not approve of
24 the contracts and the Look articles?

25 A Yes, and I thought those articles -- I told him it was

1 the first time in all of my experience that I had ever
2 seen anything like that, and it would not have been
3 my practice to permit it.

4 Q You told him you wouldn't be a party to it?

5 A I sure did, and I did refuse to -- until he --
6 January 25, or thereabouts, when he asked me to let,
7 to make some agreement for Hanes to get out of the
8 contract -- I believe Hanes conveyed him all of his,
9 Hanes' interest, which was 30 percent of the proceeds
10 of the movie and book rights, and he then held 60
11 percent, and somebody had told him that he would have
12 to be sued by Mrs. Coretta King and all of these
13 rights might wind up her property, I don't know who
14 told him that, I didn't, but he was very much
15 concerned about that. Maybe somebody had told his
16 brothers that and one of them had told him, but,
17 anyway, he had that thought, and asked me to let him
18 convey the 60 percent to me, and I accepted it with
19 the understanding that it would be in trust.

20 Sometime later I wrote him a letter
21 to that effect.

22 Q Yes, sir.

23 A It had to be for a consideration, any such transfer.

24 Q Or it wouldn't have been any good?

25 A Yes.

1 Furthermore, I did not trust either
2 Jerry or John or his father or his brother-in-law. I
3 think I would have trusted his sister. We discussed
4 all of them, or anybody else, any bank he could
5 suggest. He did not know any bank.

6 Q Now, when the case came up on November 10, the record
7 shows that it was continued.

8 A November 12.

9 Q November 12, it was continued, I believe, until May 3.

10 When, after that, did you begin your
11 investigation?

12 A I had some -- I had to come back -- the day I appeared
13 in the case and the Court accepted me, the Court
14 entered an order or a direction to Hanes to deliver to
15 me all of his investigative material on that day. I
16 went to Birmingham to get the material, and young
17 Hanes met me at the airport. I called to let them
18 know I was coming, and he was familiar with the order,
19 I don't know whether he was in the courtroom when it
20 was entered or not, or ordered. I don't know whether
21 there was a formal order signed or whether it was
22 a verbal direction.

23 But, he assured me he would give it
24 to me, and I went there and got nothing. I stayed
25 there several hours. He said, "Everything is at the

1 house."

2 I had asked for this, that, or the
3 other thing, and he said, "at the house." He and I
4 and his wife and son went to the country club for
5 dinner that night, and he said then that he would
6 send it to me. He said I would have it in so many
7 days in my office in Houston. It did not come, and
8 I went back to Memphis and I stayed -- I must have
9 commenced my investigative work about the 16th, 17th
10 or 18th of November.

11 Q Where were you staying at that time?

12 A Up to the time I returned to Memphis, I had not taken
13 a permanent room or suite of rooms at the Peabody,
14 but I did get my hotel -- I think it was called the
15 Sheraton Peabody, now, in Memphis, and I stayed there
16 from that, whatever the day was I had a phone
17 installed, an office desk, typewriters, a complete
18 office setup, and I stayed there until March 11 or 12.

19 Q How did John Hooker's --

20 A Except for trips back and forth to Houston
21 occasionally.

22 Q How did John Hooker's name get brought into this?

23 A I had known John Hooker for 25 years. I had had
24 close relations with him -- I had never been friendly
25 with him, but I would associate him in any case

1 offered me in Tennessee, and he had sent me two or
2 three cases in Texas. We would meet occasionally at
3 the American Bar Association. We had very much the
4 same type practice, and I intended to engage John
5 Hooker if he would come into the case with me. As a
6 matter of fact, I intended to let him take the lead,
7 and went to Nashville for that purpose, and he agreed
8 to come into the case, and my client, James Earl Ray,
9 would not hear to it.

10 I told him what I was going there for,
11 and he did not object to my going and talking to him,
12 but when I came back he did object to John Hooker.

13 Q Did he say why he objected?

14 A Yes, he did. John Hooker's son, Jay Hooker, had been
15 a candidate for governor of Tennessee the preceding
16 election in November and had carried almost solid the
17 boxes with heavy black registration, and he did not
18 want anybody representing him that the blacks were
19 for.

20 Q All right, sir. What contact did you have with
21 William Bradford Huie during November and December of
22 1968?

23 A I don't know when it was, but I had a call, a while
24 after I had moved to the Peabody in Memphis, from
25 William Bradford Huie referred from my office. I

1 don't know -- it was, as I recall, approximately a
2 week after I either got into the case, or maybe after
3 I went back there, I don't recall. He asked me if he
4 could meet me somewhere and talk to me, and I had a
5 case set that required me to be in Irving, Texas, a
6 suburb of Dallas, and I told him the easiest time for
7 me to talk to him uninterrupted for any period of time
8 was on that case. I wasn't going to try the case, I
9 was going to -- I don't know what it was for, it was
10 to talk to a witness or talk to my client or collect
11 a fee, but I did meet him and talk to him several
12 hours in the airport in Dallas. It was the joint
13 airport for Dallas and Ft. Worth.

14 Q Was that the only contact you had with him within
15 that period?

16 A Yes, that was the only contact. I had never met him.
17 We talked mostly about the work he had done. He had
18 investigated this carefully, gone to every place that
19 he knew about that James Earl Ray had gone, to
20 California and Mexico and to New Orleans, following
21 up the report on his ideas that he had received from
22 Arthur Hanes.

23 I was amazed at the detail of the
24 work he had done.

25 That is all we talked about.

1 Q Now, during this period from the time you got into
2 the case during November and December, the records
3 indicate that while Mr. Hanes was his lawyer that
4 Ray would prepare written answers to Mr. Huie's
5 written questions and would transmit them through Mr.
6 Hanes to Mr. Huie.

7 Now, after you got in the case during
8 November and December, 1968, was there any transmittal
9 of any information between James Earl Ray and William
10 Bradford Huie through you or any other way?

11 A Yes. After January 25 when --

12 Q I am talking about prior to January 25.

13 A No, not any communication between Huie and me in any
14 way.

15 Q You did not permit it. Is that right?

16 A That's right.

17 Q Did you and Mr. Huie have any agreement prior to that
18 date?

19 A No, not prior to January 25.

20 Q Now, what happened on or about January 25 to change
21 that?

22 A I had an offer from the chief photographer,
23 photographic editor of Life Magazine, Francis Miller.
24 He wanted to know about the possibility -- I have
25 known him since he was here in college -- Nig Miller,

1 we call him -- he wanted to know the possibilities of
2 making a deal to get photographs, and said it was
3 worth a lot to Life to do it, and I asked the Judge
4 about it and we needed the -- he intimated there
5 would be several thousand dollars -- the starting off
6 estimate by him, I think, was not over three, and I
7 told him it ought to be worth at least 10, and that
8 is where we stopped, and I think I filed a motion to
9 permit him to take photographs, I'm not sure, but I
10 think I did, and we needed money. I filed another
11 motion for taking depositions and they were going to
12 be expensive, there were some in Washington and some
13 in Jefferson City, Missouri, and the cost was
14 estimated at about 10,000, and when Ray said, "Well,
15 we started with Huie, why don't you contact him and
16 see if he will, see what he will do in that regard,
17 or what he can do for us," and I called -- I then
18 called Huie because Ray had suggested it, and within
19 three or four days -- at this same time he suggested
20 signing this 60 percent of Huie's rights that had
21 been assigned to him, he already had 30 percent and
22 then the other 30 that he had been assigned back by
23 Hanes, assigned to me in trust to keep them from
24 being attached by Coretta King, and that is how I got
25 into that contract.

1 Q All right. Let's take it in separate parts.

2 The first contract, I believe, was a
3 contract that is in the record somewhere, I don't have
4 a copy of it right now, but it is dated January 29,
5 1969.

6 MR. LESAR: I will provide you with
7 a copy if you want it.

8 GENERAL HAILE: Okay. We can go
9 ahead and talk about it.

10 Q (By General Haile) That is a contract that, as I
11 recall it, you were not personally interested in, it
12 was a contract by which Hanes got out and transferred
13 to Ray his 30 percent and left only Ray and Huie in
14 the contract.

15 Is that the way you remember it?

16 A Yes. I think the contract originally provided that
17 Hanes got 30 percent of the rights, Ray got 30
18 percent, and Huie got 40 percent. That is my
19 recollection.

20 Q All right, sir. Now, was this contract prepared by
21 you?

22 A No.

23 Q And, as I understand, your testimony was that after
24 Ray had suggested that you contact Huie and after you
25 had done so at his request, that Huie sent this

1 agreement to you?

2 A Yes, actually at Huie and Ray's suggestion after the
3 Judge turned us down on the proposition from Life,
4 and out of that contact grew this assignment.

5 At that time I was talking to Ray
6 about that or was in the process of -- he wanted to
7 assign everything out of his name to avoid a
8 garnishment or attachment.

9 Q Let me show you a copy that, of this thing that has
10 got your signature on the last page, it says,
11 "Approved as to form and content -- Percy Foreman,"
12 and see if you can identify that as your signature.

13 A I can only accept -- yes, that is my signature.

14 As far as the contract is concerned,
15 if I ever read it, I would be surprised.

16 Q Now, the date on this thing is January 29, 1969, and,
17 then, there was later an assignment, as you testified,
18 at Ray's request, to you, on February 3, 1969. (8.7)

19 A Five days later. It all happened between January 25
20 and February 5.

21 Q Now, the letter of, or the assignment of February 3,
22 was that before or after Ray had decided to plead
23 guilty?

24 You testified earlier that he had
25 orally decided to plead guilty --

1 A I would estimate -- yes, I think that had been
2 decided. It was right at that time, the latter part
3 of January and the first of February, that he decided.
4 If he hadn't done it by the 3rd of February, he had
5 done it within a day or two afterwards, because it all
6 happened, it would have to have had to be the 13th or
7 14th, I know it was two or three weeks before that,
8 that we had verbally agreed that that was the best
9 practice for him.

10 GENERAL HAILE: Can we take about a
11 five-minute break?

12 (Whereupon the deposition was in
13 recess from 10:55 a.m. until 11:05 a.m. of the same
14 day, at which time the following occurred, to-wit:)

15 Q (By General Haile) All right, sir. We were talking
16 about these letters.

17 Did you have other offers from other
18 writers besides this fellow at Life?

19 A This wasn't a writer, this was purely photographs.
20 There had been no photographs. The sheriff was trying
21 to get James Earl Ray to consent to let him bring in
22 a photographer, and I don't know how, where they came
23 up with reference to the overture from Life, I
24 didn't start it, because it was just that one man, he
25 thought I could do it. He didn't realize that Judge

1 Battle was taking the interest in the case that he
2 was.

3 Q Yes, sir.

4 A And I had made ground rules such that photographs were
5 not permitted anywhere on the way to or from the jail
6 or otherwise, and it would require a special order,
7 and he just assumed that I could, if anybody could get
8 him to do it, I would, and Life wanted to counteract
9 Look's articles.

10 Q Yes, sir.

11 A And that's all it was.

12 Q Now, after Ray suggested that you check out Huie,
13 did Huie then transmit some checks to either Ray or
14 you?

15 A Yes. Shortly after we signed this contract, there
16 was a check for 5,000 and, then, again, about the
17 middle of February there was another \$5,000 check.

18 Q What did you do with this money?

19 A Put it in an account at one of the banks in my name
20 as trustee. I think trustee for the James Earl Ray
21 account.

22 Q What eventually became of that money?

23 A It was used up in expenses.

24 Q Now, what was the total amount of money that you
25 received in these checks or otherwise from William

1 Bradford Huie?

2 A The part that I kept for expenses was \$9,000. I don't
3 recall why it wasn't ten, I know I gave Jerry Ray,
4 at James Earl Ray's request, 500, and I don't know
5 what the other 500 was for, but it was something that
6 had to be paid, but all that I disbursed by check was
7 9,000 I think. That is my recollection. I disbursed
8 the other 500, I don't know what it was for.

9 Q You never got any more money than that from Huie?

10 A Never.

11 Q Not to this day?

12 A No, and Huie and I have paid out more than 10,000
13 each on account of our --

14 Q Defending these lawsuits?

15 A Yes.

16 Q I don't guess that counts time like this, either.

17 A No, that doesn't count anything for time. That is
18 just actual expenses. Actually I don't know how much
19 it is, I would estimate fifteen for me.

20 Q Did Ray resume his communications with Huie after the
21 29th of January?

22 A Through the same procedure that he had theretofore
23 through Hanes. I started carrying questions again and
24 answers back to Huie.

25 Q Was there anything that you considered damaging to his

1 case at that point in those?

2 A No, it was really just attempting to explain previous
3 answers that he had already given.

4 Q Was it your understanding either on the basis of your
5 own experience or through your conversations with
6 Mr. Huie, or anybody else, that the conspiracy was
7 what would sell these books?

8 A I didn't even discuss what would sell books except
9 when I told Mr. Huie that in my considered judgment
10 that James Earl Ray acted alone and that there wasn't
11 anyone else involved, the only other person that could
12 be involved even remotely would have been Jerry, and
13 he said, "Well, there goes everything," or something
14 to that effect, and he was very disappointed, and he
15 reported to the woman that manages Dell Publishing
16 Company in New York, she was the main wheel up there,
17 and when she got the word she blew up, too, because
18 this \$40,000 that come from Look, that had been
19 advanced by them, they were going to publish the book,
20 I think, maybe they did -- I know they bought -- I
21 learned that only through him, and just incidentally.

22 Q Was there ever any pressure put on Ray by you to get
23 him to plead guilty other than, I guess, that that
24 would naturally arise from the advice coming that he
25 would certainly be convicted?

1 A There wasn't a thing except what I put in that letter
2 in writing and handed to him. There wasn't anything
3 that I hadn't said before and he had agreed was true.
4 That wouldn't be pressure.

5 That wouldn't be my advice now
6 considering the Supreme Court outlawing the death
7 penalty. It was to save the man's life. I have done
8 this at least a half dozen times that I can enumerate
9 on my fingers, maybe a dozen times, maybe two dozen.

10 When the case is so hopeless that in
11 your own mind you haven't a chance to win it and it is
12 a death penalty case, the first concept I have is to
13 save the man's life.

14 It wasn't any different than any
15 other murder case. There wasn't any difference in my
16 decision in it than I had made in several such cases
17 where the odds were insuperable.

18 Q Now, the letter indicates that it was your judgment
19 at the time that Ray was almost certain to be
20 convicted.

21 A Yes, sir, that was my judgment after I had
22 investigated the case.

23 Q Now, is your judgment still the same today?

24 A Yes, but the most he could get now since June of 1972
25 when the Supreme Court in effect outlawed the death

1 penalty for all prior cases, it would not be the same.
2 decision. He could not beat the case but he couldn't
3 lose much more, and there is so little difference
4 between life and 99 years that as of any time after
5 June, 1972, why, I would have proceeded with the case,
6 because his life wouldn't be at stake.

7 Q Now, everything I know about you indicates that you
8 have been pretty successful financially.

9 Is it true that your net worth is --
10 I know it's none of my business, particularly, what
11 your actually net worth is, but I am trying to be as
12 diplomatic as I can, but your net worth is several
13 million dollars.

14 Is that a fair statement?

15 A Yes. I have never made a net worth statement, I
16 don't want to make one, but I am worth at least four
17 and a half million with liabilities of approximately
18 140,000. All of this was computed as of this year on
19 account of the new law in Texas which requires people
20 making bonds to furnish evidence of their worth, which
21 doesn't require a profit and loss or net worth
22 statement, but that was the reason for it, and that
23 is the first time I have really figured it.

24 Q Did the possibility of making money affect your
25 decision to get into this case?

1 A None whatsoever and not at all.

2 I got into the case because I thought
3 I could save a man's life, I thought it was my duty
4 to do so, if I had been called by Ray three weeks
5 before, I would have done my best not to be in it
6 because it wasn't my duty to go to some other state.
7 It's all I can do to take care of the people here.
8 I would have tried to get John Hooker in the case, but
9 the case was going to trial the next day, or, rather,
10 it was a holiday the next day, November 11, and it was
11 going to trial Tuesday, November 12, and if I didn't
12 get into the case, I felt James Earl Ray would get
13 the death penalty.

14 Q Did the possibility of making any money affect your
15 judgment one way or the other in this?

16 A None whatsoever, and it hasn't -- I do what I do. I
17 have no trouble making money, and I still enjoy making
18 money, but I don't need to make money, and it had
19 nothing whatsoever to do with my coming into the case.

20 Q Or any advice you gave?

21 A It had nothing to do with that, either.

22 I never had any concept of this book
23 making any money. In fact, I don't think any books
24 make any money. That is why I have never written
25 an autobiography, although many publishers have

1 offered me fancy advances. I can make more money in
2 one lawsuit than I could make off of a book that sold
3 a hundred thousand copies.

4 Q There is a letter in the record somewhere that you
5 wrote to James Ray on March 9, 1969, which was the day
6 before he pled guilty, in which you reconveyed to him
7 his interest in the royalties from Huie in excess of,
8 I think, \$165,500.

9 In that letter there is a statement
10 that says that this will be done providing there are
11 no embarrassing circumstances in the courtroom
12 tomorrow.

13 Do you know what was envisioned by
14 those embarrassing circumstances, and what led you to
15 put that sentence in there?

16 A Yes, I can. This did no more than to put into
17 writing what we had agreed on. We both knew the whole
18 thing would be over in another 24 hours, and James
19 Earl Ray made some remark to the effect, he said
20 something to that effect, and that I now held all of
21 the rights to these books that he had conveyed to me
22 in January, or 60 percent of them, on January 29, or
23 thereabouts, and I told him, "I didn't ask you for
24 them, and I am perfectly willing to convey them to
25 anybody you want me to," and we talked about different

1 people -- he didn't know any banks except one or two
2 he had robbed, and he didn't know any person he
3 trusted and he still didn't want them in his name, and
4 he mentioned to me that I had quoted him a fee in the
5 beginning of \$150,000 as an estimate in the event I
6 was paid anything, and I agreed to -- I asked him --
7 it was the only thing after discussing several other
8 alternatives, I told him I would give him a letter
9 that would be a decrease of trust as to everything
10 over and above that figure if it was all right with
11 him, and he thought it was fine, and that was the
12 reason for the letter.

13 I would have said anything over
14 25,000 if he had suggested it. He mentioned what I
15 had suggested in the beginning, and he mentioned the
16 fact that I wouldn't now have to appeal, and all the
17 other work, so to avoid any embarrassing circumstances,
18 I was afraid of two things that my experience with
19 James Earl Ray told me were quite possible to occur in
20 the courtroom at any time.

21 I expected him to either sound off
22 about the F.B.I. as he had about them to me many
23 times in the conversations in his cell, or about the
24 black people. I expected him to -- if he had done
25 either, I didn't know what the reaction of the Judge.

1 would be. I was afraid the Judge would simply say,
2 "All agreements are off. Select the jury and we will
3 start the trial," and we were not ready for trial
4 since we hadn't -- we had quit working, when we had
5 worked out the agreement to plead guilty, on getting
6 ready. I did not want that to happen, in his
7 interest. That was what I wanted to avoid.
8 Fortunately, there wasn't any such explosion, but that
9 was one of the personality traits that this man had,
10 and I know he would have been tempted to do it any
11 time he could get an audience particularly of news
12 writers, and the courtroom was packed full of them
13 and he could have reached all of America about his
14 feelings.

15 That was what I meant by no undue
16 displays, or whatever words I used.

17 Q What kind of things had he been saying about the
18 F.B.I.?

19 A One thing, he wanted me, the very morning of the
20 trial, notwithstanding the plea of guilty, he wanted
21 me to prove, he didn't say how, but he wanted me to
22 prove how inefficient the F.B.I. was because they only
23 found one or two fingerprints on the rifle barrel,
24 none on the scope, and one somewhere else -- he said,
25 "Mr. Foreman, there wasn't an inch of that gun that

1 didn't have my fingerprints on it, they couldn't
2 have been erased, and I wrapped it carefully to keep
3 them from being erased."

4 That is one of the hangups he had,
5 was the F.B.I., and the other was -- he had several
6 hangups.

7 Q He had a low opinion of the F.B.I.?

8 A Yes.

9 Q I know I asked you this before, but I want to again,
10 did he on March 9 or any other time indicate to you he
11 was dissatisfied with your services or that his plea
12 was involuntary?

13 A He did not. As a matter of fact, he seemed to be most
14 grateful at all times up until the next day or the
15 day after was the first time I had any idea -- as I
16 told you, he said if he didn't escape, he would throw
17 a writ. The only way he could throw a writ was to
18 allege some unfair trial, which is what most
19 professional criminals do in the writs that they file.

20 Q Are you presently convinced, still convinced that his
21 plea was voluntary?

22 A Yes, I am.

23 Q And it was made with full knowledge of the
24 consequences?

25 A Yes, I am.

1 Q Now, after the plea, I believe you wrote an article
2 for, just a very short excerpt that was published in
3 Look Magazine. Did you have any contact with any
4 other writers?

5 Did any other writers approach you?

6 A In that connection?

7 Q About the Ray case, yes, sir.

8 A Oh, yes, I guess I was approached by many I had heard
9 of, and a great, great many I had never heard of.

10 Q Did Gerald Frank approach you?

11 A Yes.

12 Q Did you talk to him?

13 A Yes, I did. I dictated a long -- I answered every
14 question on tape for him for nearly an hour and a
15 half. It was from the Downtown, Fifth Avenue Hotel,
16 Fifth and Fifty-Fifth, out to Kennedy Airport. I
17 would say I dictated an hour and a half answering his
18 questions. We sat there a long time still talking
19 while I waited for my plane.

20 Q Did he pay you any money for that?

21 A No.

22 Q Did you talk to Clay Blair?

23 A I don't know whether I did or not -- Clay Blair -- I
24 read his article.

25 He is the man that used to be an

1 editor of the Saturday Evening Post, isn't he?

2 Q Yes, sir.

3 A I think I did. I'm not certain.

4 I talked to everybody that ever asked
5 me any questions, and I answered every question I was
6 asked as long as I was still in the case.

7 After the case was over --

8 Q Yes, sir.

9 A -- I didn't.

10 I don't talk about my cases when they
11 are over.

12 Q Yes, sir.

13 A It is all I can do to keep up -- "Sufficient unto each
14 day is the evil thereof."

15 I can't go back to all these
16 pusillanimous, so-called penmen that wanted me to
17 write a book for them. After March 10, I did not
18 talk to them, but as long as the case was on I talked
19 to them, or until I got onto another case.

20 Q Ray claims that you told him that you knew who the
21 next governor of Tennessee was going to be and you
22 felt like you could get him a pardon.

23 Did you ever say anything like that?

24 A I did not.

25 I don't even know who the next mayor

1 of Houston is going to be. I am not in politics even
2 in Texas. I haven't ever been since 1940, and I don't
3 pretend to play politics or practice influence. I
4 don't have time to. I am just a lawyer.

5 I did not ever say -- I know he said
6 that. I read that somewhere, but it is a complete
7 unmitigated falsehood.

8 Q Did --

9 A The only thing we mentioned about the governor's
10 race in Tennessee was when he mentioned it to me, that
11 the Negroes had voted for Jay Hooker, and he didn't
12 want anybody ~~that was related to a man the~~ ^{TO REPRESENT HIM WHOM}
13 ~~THE BLACKS HAD VOTED FOR HIS SON~~ ^(P. 7)
~~Republicans wanted to represent them.~~

14 Q And that was John J. Hooker's daddy?

15 A Yes.

16 Q Did you discuss with him a possibility of getting
17 other lawyers as co-counsel?

18 A Yes. I wanted to hire a black there who had a good
19 law practice and had a good name, something like Scott
20 or Knox.

21 Q Hooks?

22 A Yes, in Memphis. He wouldn't hear to it.

23 Q Ray wouldn't hear to it?

24 A No.

25 There were seven lawyers, I believe

1 there were seven, five of them were recommended to me
2 as the five top criminal defense lawyers in Memphis,
3 and I went to at least four of them. Every one of
4 them were disqualified for being on a committee
5 appointed by the -- Judge Preston Battle has a
6 steering committee, I think he called it, and I didn't
7 hire any of them.

8 I mentioned them to Ray -- all of
9 these were white -- and I would have been, I would
10 have figured some way to pay them if we could have
11 gotten -- there was one of the four that I went to
12 that was willing to and I further checked with him, he
13 is a former F.B.I. agent, and I found he was alleged
14 to be still prosecution minded, and you can't defend
15 and be a prosecutor too.

16 GENERAL HAILE: Let me confer with
17 Mr. Haynes here a minute. That is about all I have
18 got.

19 There were some other questions that
20 I had, but I think our adversaries will probably ask
21 you, they will probably ask you those anyhow whether
22 I ask them or not, so I will let them go ahead and do
23 it, and if they miss anything, I will pick it up.

24 THE WITNESS: All right.
25

CROSS EXAMINATION

1
2 By Mr. Lesar:

3 Q Mr. Foreman, will you voluntarily come to the
4 Evidentiary hearing which has been set in this case
5 and testify?

6 A I don't know. It would depend on my schedule at the
7 time.

8 I told him yesterday that if I could
9 work it into my schedule, that I would be happy to
10 come. I have no objections to coming, but I have a
11 very, very, very heavy schedule.

12 When is it set for?

13 Q There has been no date set yet.

14 What is the present state of your
15 health?

16 A I consider it good.

17 Q Good. Some years ago you suffered a whiplash injury.

18 A 1962, May 26.

19 Q And you won a court award in that case, I believe.

20 A Yes.

21 Q How recently have you suffered a recurrence of those
22 injuries?

23 A That was the recurrence. The original injury was
24 when I was 12 or 14 years old. I had completely
25 recovered from it. It was in 1962 that the injury

1 was, that the vertebrae had grown together the same as
2 a fusion, in the doctors' terms, they term it
3 calcification, and in May of 1962, a Blue Bonnet
4 Express truck hit my automobile from the rear and broke
5 loose one of those places. That was the injury. It
6 wasn't tried until, I think, about 1967 or 1968.

7 Q Have you suffered pain since then?

8 A No, not there.

9 I am suffering pain right now, but it
10 is from, actually it is from overwork. The doctors
11 say I ought to take a rest. I have got this all over
12 my body, just like this, and it itches and burns and
13 hurts (indicating).

14 Q That is from a fire?

15 A No. My skin is very, very thin, it is the weakest
16 organ in my body, is the skin, and the doctor -- I
17 have two of the best dermatologists in Houston, and
18 neither one of them know I was at the other one, and
19 they both agree it comes from working too hard too
20 steadily seven days a week, Christmas, New Year's,
21 July 4, Labor Day, every day, and some 16 hours a
22 day, but I like to work, but at the same time it
23 evidently -- they say I ought to rest a while.

24 Q But you don't suffer any back pains now?

25 A No.

1 Q And you did not at the time of the Ray case?

2 A I never was -- I suffered all my life, I have suffered,
3 but so much worse after that accident that I
4 attributed it to it, and the doctors did, too, to that
5 accident.

6 Q As I recall, you were ill during the time you
7 represented James Earl Ray.

8 A I had pneumonia.

9 Q Pneumonia?

10 A Yes.

11 Q Were you hospitalized during that illness?

12 A No.

13 Q How long did it last?

14 A I don't know. I was trying to get that, but I
15 couldn't. My doctor has been the head of a department
16 at Baylor, and she has given up her private practice
17 and taken over Home Medicine there, and she doesn't
18 have her records.

19 Q What is her name?

20 A Dr. Marilyn Cowart.

21 Q What hospital is she affiliated with?

22 A She wasn't then, she was a private practitioner.

23 Q And now?

24 A She is head of the new department at Baylor where
25 they train medical students for general practice. She

1 is head of that.

2 Q Now, during your illness in 1969, approximately how
3 long was it, do you recall?

4 A Do you mean December and January?

5 Q Yes.

6 A Your pleadings -- I'm advised it was mentioned --
7 December 23 to January something, the 20th -- it
8 couldn't have been that long, because I made a talk
9 to the Texas Press Association --

10 Q Yes. When did you make that?

11 A The 9th of January at Longview, Texas.

12 Q Who attended you during your illness?

13 A Nobody. I went to the doctor's office all during the
14 illness.

15 Q You just reported in from time to time?

16 A Well, Dr. Cowart, I am godfather to one of her
17 children, and we just are very close friends, our
18 closest friend, and she is at our house when any of
19 us get sick just like she would be her own family.

20 Q Did you represent any clients in court during the
21 time you were ill?

22 A I don't know. I might have, but I don't recall.

23 I was seriously ill for a few days,
24 at least six or seven, and I had a little relapse
25 from that trip to Longview -- I shouldn't have gone

1 on that one -- but other than -- I don't know the
2 date -- there is no way I could be absent 30 days
3 from my practice without going broke.

4 Q Did you meet with any clients or conduct any legal
5 business during this period of time?

6 A I don't know. I couldn't tell you who I met with or
7 conducted business with week before last. My memory
8 wouldn't go that far back.

9 Q Did you keep an office calendar?

10 A No, sir. I keep a yellow pad, but I don't keep it
11 by people coming in. I keep it by people calling in
12 or to let us --

13 Q Would you have it for that period of time?

14 A No, I wouldn't know where they are. They could be
15 in any one of 80 houses I own.

16 Q That you own?

17 A Yes, sir.

18 Q You own 80 houses?

19 A Eighty houses -- more than that.

20 Q Presently?

21 A Yes, and they are all full of old discarded records.

22 I don't have any tenants, I don't
23 want them.

24 Q Are they all in this area?

25 A Most of them. There have been many stories written

1 nationally about that.

2 Q Are these houses you live in or occupy?

3 A No, sir, except for storage.

4 Q They are all for storage?

5 A They are all for storage, that is what I use them for.

6 I have one house I could sell for

7 \$250,000, I just use it for storage.

8 Q You have no systematic way of disposing of records?

9 A I don't have anything systematic about my office,
10 even keeping them currently. I am lucky if I can ever
11 find anything after I receive the work file there.

12 Q You must keep some records systematically relating
13 to income tax.

14 A They are not kept in my office.

15 The reason they are not kept there is
16 because there is no system, and they are kept about
17 eight miles from my office in the office of my CPA.

18 Q Who is who?

19 A Walter Briscoe.

20 Q He was your CPA at the time of the Ray case?

21 A Yes, he has been for several years.

22 Q Did you do any work at all on the Ray case during the
23 time you were ill?

24 A I'm sure I did. I hardly -- my reason for moving
25 to the Peabody Hotel in Memphis was so I would not be

1 by anybody else, but I was bothered by people coming
2 up there.

3 Q When did you move to the Peabody Hotel?

4 A About the 15th of November, I am estimating that, but
5 it wasn't more than -- that is five days after I was
6 hired, and it wasn't more than eight days I am almost
7 sure, and I can't account for it other than just to
8 account for where I went between the time I was hired
9 and the time I moved.

10 Q And you continually rented a room there until the day
11 of the guilty plea, or the day thereafter?

12 A Yes, sir.

13 Q But during this period in December and January when
14 you were ill, you were here in Houston. Isn't that
15 correct?

16 A Yes, I was here when I was ill, except for the trip
17 to Longview.

18 Q And did you do any work on the Ray case here in
19 Houston during that time?

20 A Oh, yes.

21 Q What kind of work was that?

22 A I don't know. I don't know what kind of work I did,
23 and where, I couldn't pinpoint that, I don't believe
24 that any lawyer who travels almost continuously would
25 know where he did what at any given time.

- 1 Q Did you have any conversations or phone conversations
2 or correspondence with William Bradford Huie during
3 this period you were ill?
- 4 A I don't know whether -- no.
- 5 Q No?
- 6 A No, because I didn't have any correspondence with him
7 after Dallas and before January 25.
- 8 Q On a deposition which was taken on November 11, 1969,
9 in a civil suit which Ray brought against you and
10 Hanes and Huie, you stated several students had acted
11 as your investigators in the Ray case.
- 12 A Yes, that is true.
- 13 Q Where were these students from?
- 14 A The law school at the University at Memphis. I don't
15 know what it is called.
- 16 Q Would that be Memphis State University?
- 17 A That sounds right.
- 18 Q Did you pay these students or were they volunteers?
- 19 A I paid them.
- 20 Q What rate did you pay them at?
- 21 A Five dollars an hour.
- 22 Q How did you happen to get in touch with them?
- 23 A I made a talk at the, to the entire law school, I
24 guess, a large, packed audience. We had a forum,
25 questions and answers after the talk, and something

1 came up about it and I told them I always used
2 student investigators, and several of them asked me
3 about it after the discussion, and I told them where
4 I was and that any of them -- several of them followed
5 up on it by phone, which the number was available,
6 I didn't give it to them, but they could get it through
7 information, and that is how I got in touch with them.
8 I checked on them a little bit.

9 Q Do you recall the approximate date of this speech to
10 the Memphis law school?

11 A No, it wasn't scheduled, I was just invited, and I
12 couldn't be there the first date I was invited. I
13 met the entire law faculty out at Joe Moore's home.

14 Q Is Joe Moore the name of the law professor who
15 invited you to speak there?

16 A Yes, I believe he was.

17 Q Would this speech have been closer to November than
18 to March?

19 I am trying to approximately place it.

20 A It was in the early stages, as I recall, at least
21 that is my best recollection.

22 Q Would December 11 sound about right?

23 A I don't know, I couldn't tell you.

24 Q But it was in the early stages?

25 A That is my recollection.

- 1 Q And before you got into --
- 2 A Yes, these were the ones I really hired and paid,
3 two other boys that worked for me as investigators
4 that weren't law students that came to the hotel and
5 started working.
- 6 Q These were not law students, the two?
- 7 A Yes, they were pre-law. They said they were going to
8 be law students.
- 9 Q The date of the speech, was that prior to the time you
10 became ill?
- 11 A I don't know. All I know was -- yes, it must have
12 been, because I worked on this thing -- November --
13 let's see -- I don't know. I just can't tell you.
14 I wish I could, but I don't have that kind of memory.
- 15 Q How many student investigators did you have working
16 for you?
- 17 A Six or eight.
- 18 Q Do you recall the names or name of the student
19 investigators working for you?
- 20 A No, I don't.
- 21 Q Would the names of those students be available through
22 your pay records for them?
- 23 A I didn't keep any pay records. I paid the students
24 cash. I think I paid the first two that came down
25 as soon as I got to Memphis and wanted to go to work,

1 I think I paid them checks, I'm not sure.

2 Q Do you recall approximately how much you paid them?

3 A No. I could guess at it, but it wouldn't be fair to
4 make a guess.

5 Q What kind of investigative work did you have these
6 students do?

7 A I had them check on everything and everybody that I
8 heard, every cab you get into you have got a new
9 theory on what happened on May 4.

10 Q You had them check out theories?

11 A Many of them.

12 GENERAL HAILE: Let me state our
13 objection, for the record, to this question is that
14 it is of doubtful relevancy, it is certainly
15 tangential at best not only to the present case but
16 to whatever investigation was made, and I think there
17 is a long series of cases on guilty pleas which
18 focus on the voluntariness of the plea of guilty which
19 is made with the advice of counsel, and I think the
20 standard is, in Tollett v. Henderson and McMahon v.
21 Richardson, that any such information in the
22 investigation or in the attorney's assessment of the
23 law or the facts is irrelevant, and with that in the
24 record, why, you can continue. I will point out,
25 though, that --

1 A I will elect to decline on the grounds that it is
2 immaterial, adopting his objection, but my further
3 reason is that I am due to catch a plane as soon as
4 this thing is over to try to get rid of a case in
5 Corpus Christi they set this afternoon. I don't want
6 to spend any more time than I have to. You have a
7 right to cross examination.

8 Q (By Mr. Lesar) What time is your plane?

9 A I have missed the first one. I have reservations on
10 the next one. The first one was at 1:15, the next
11 one at 2:30.

12 Q Will you be back here tomorrow?

13 A I don't know. If I get there in time and the Judge
14 is there -- the last time I was there day before
15 yesterday and he was at Kingsville. If I am here, I
16 will be available. I will have to pass cases,
17 though.

18 Q If we don't get done by the time you feel you have to
19 leave, we will await your return.

20 A I don't want to do that, I want to get through even
21 if I don't get off at all today. I won't get there
22 now until 3:25 and I am not sure of finding the Judge.
23 I am representing a lawyer from Michigan, for what we
24 used to call subornation of perjury in this state.

25 Q What do you call it now?

1 A They call it, since the 1st of January -- hell, I
2 don't know, I forget what they call it. The District
3 Attorney didn't know himself. It is a new Code and
4 everything is Class I, Class II, Class III, Class IV--
5 you don't need to put this down, this is --
6 aggravated perjury or something -- contributing to
7 aggravated perjury.

8 GENERAL HAILE: I didn't mean to cut
9 you off, Mr. Lesar.

10 MR. LESAR: I will continue.

11 GENERAL HAILE: I didn't want you
12 to have an opportunity to jump up and say you didn't
13 have an opportunity to cross examine the witness.

14 A I want to get through. I have things set every day
15 this week except Saturday.

16 Q (By Mr. Lesar) Did any of these student investigators
17 interview any witnesses to the crime?

18 A I am not going -- I am standing on his objection.

19 I will answer the question if the
20 Judge says I should.

21 Q You are going to refuse to answer that question?

22 A It is the same type question.

23 Q Is Mr. Haile directing you to refuse to answer the
24 question?

25 A I adopt the same objection. He isn't directing me to

1 refuse, but he made an objection, and this is the
2 same type question, and if the other objection is
3 valid, it is valid to this one.

4 GENERAL HAILE: Let me restate my
5 objection.

6 The first objection was it is utterly
7 immaterial.

8 The second objection is that it
9 doesn't touch on anything that was brought up even
10 indirectly during direct examination. /I'm merely
11 stating this to put it in the record.

12 I will say that if you haven't got
13 anything better than this, you are wasting everybody's
14 time.

15 MR. LESAR: Are you reserving your
16 objections until the --

17 GENERAL HAILE: I am not directing
18 the witness not to answer.

19 A I am electing not to answer based on his objection.

20 Q (By Mr. Lesar) Did any of your student investigators
21 take notes on or write up any memoranda of these
22 interviews?

23 A Yes.

24 Q Where would such notes or memoranda be located now?

25 A In my files.

1 Q Do you have them here presently?

2 A No.

3 Q Where are your files located?

4 A They are somewhere in Nashville, presumably. I
5 haven't seen them since 1972 when James Earl Ray sued
6 me. I had three or four suits going at one time up
7 there, and they were far more needful there than
8 here.

9 Q This is the Hooker law firm in Nashville?

10 A It was Mr. Hooker himself. I never had any dealings
11 with the law firm.

12 Q Are you willing to waive any attorney-client privilege?

13 A I have already done that. I signed the letter and
14 sent it.

15 Did you give them copies of that
16 thing I wrote?

17 GENERAL HAILE: No, sir.

18 A I have given them copies -- I certainly will -- but,
19 they have claimed that they didn't have them, but they
20 were in John Hooker's big black car with my overcoat
21 and hat. I got my hat and briefcase out of it, and
22 they sent my overcoat about three months later, first
23 saying they couldn't find it. I haven't seen the
24 things, I carried them in a file cabinet, or, rather,
25 a plywood, portable cabinet. I checked them, and they

- 1 met me at the plane and they put them in there and I
2 stayed at his house, and I don't know where they are.
- 3 Q About how many pages of such notes or memoranda were
4 supplied to you by these students?
- 5 A I wouldn't have any idea.
- 6 Q Could you give me a rough guess?
- 7 A No, sir.
- 8 Q Would it be closer to 500 pages than to ten?
- 9 A No.
- 10 Q Something between five and ten?
- 11 A You are asking me six questions in one. Some of them
12 wrote more than others.
- 13 Q I am asking you for the total volume.
- 14 A I understand. I wouldn't even hazard -- it never
15 occurred to me that I would have to remember that.
16 They were fairly competent.
- 17 Q Typed up?
- 18 A One did, the rest were in long --
- 19 Q The rest were in longhand?
- 20 A One of them had a girl friend or relative that used a
21 typewriter, and his were copied from him, but the
22 others were written on student note paper.
- 23 Q By student note paper, you mean in white blue lined
24 note paper?
- 25 A Yes.

1 Q Rather than legal pads?

2 A Yes.

3 Q Did any of your student investigators draw up any
4 statements or affidavits for witnesses to sign?

5 A No. I don't do that. Customarily, in my cases, if
6 I interview a witness myself, I don't even -- I take
7 down what they tell me in shorthand -- I just don't.
8 Not many lawyers do that.

9 Q You take your notes in shorthand?

10 A Yes.

11 Q Is it Gregg or Pitman shorthand?

12 A Both.

13 Q Both?

14 A I wrote both.

15 I used to be a court reporter, as a
16 kid, and all good reporters, and I was a good one at
17 that time, and I wrote, I pretty soon devised my own
18 word signs and symbols, and it is a combination of
19 both Gregg and Pitman.

20 Q And your notes on the Ray case would be in --

21 A No, only the ones I interviewed.

22 Q Would be in shorthand?

23 A Only the ones I interviewed.

24 Q And in a combination of Gregg and Pitman shorthand?

25 A Yes, and I have put that in writing before. Mr.

1 Fensterwald has a letter to that effect.

2 Q It is my understanding these notes are also with the
3 Hooker law firm.

4 A Everything I had, everything concerning it, there
5 isn't anything I ever had or did concerning the James
6 Earl Ray-Bradford Huie matter that isn't in that
7 file. I don't imagine I have got four pieces of
8 correspondence in my office except letters from
9 writers that wanted me to go answer this question or
10 that question or some other question. I have got
11 those that have come in since 1972, but all of the
12 others are in that file.

13 Q Did you provide your student investigators with
14 questions or interrogatories to ask of witnesses?

15 A No. If I was going to do that, I would have done it
16 myself. I wouldn't have been saving any time. I
17 gave them the story -- "This is where I got it. This
18 is where he says you can find it out. It is up to you
19 to do it."

20 Q Did you send any interrogatories to witnesses
21 directly?

22 A No, sir.

23 Q What was the date of your last meeting with these
24 students?

25 A I didn't meet with them as a group. I met with them

1 one at a time.

2 Q In Memphis?

3 A Yes, I never met them anywhere else, never seen them
4 anywhere else. All their investigation was in Memphis.

5 Q Did any of them ever phone you long distance from
6 Memphis?

7 A I don't remember that any of them did. There wasn't
8 any reason for them to. They were frequently in my
9 room at the Peabody at night.

10 Q How many manhours would you estimate these student
11 investigators spent working on the case?

12 A If I knew that, I could tell you how much I paid them,
13 I would just multiply it by five, but I don't know.

14 Q Did they do a lot of work on the case?

15 A I considered it a lot.

16 Q Say, more than a couple of hundred hours?

17 A I wouldn't know.

18 Q Until what time did they continue working for you?

19 A Until we had effected the -- or verbally decided that
20 we were going to enter a plea if we could get a waiver
21 of the death penalty, which was early in February or
22 late in -- well, it is early in February, I would say
23 just as a guess now, my best judgment.

24 Q Did you hire a professional detective to investigate
25 the Ray case for you?

1 A I am going to get -- I have never hired a professional
2 detective except for one time in 1932 when I was an
3 Assistant District Attorney, I don't believe in them.
4 I have represented lots of them for perjury. Most of
5 them are ex-convicts or nuts, and I don't use them,
6 and I put this in a letter, also, to Mr. Fensterwald.

7 Q How many witnesses did you personally interview?

8 A I wouldn't know, but I interviewed everybody, or tried
9 to. The police wouldn't talk to me. I called every
10 policeman whose name appeared in the Memphis paper that
11 had anything to do with this case and was universally
12 told they had orders not to talk to me.

13 Q Did you attempt to get an order from the Court
14 directing them to talk to you?

15 A I asked the Court about such an order. I did not file
16 one. He said he didn't have the power to order them
17 to.

18 Q What was your response to that?

19 A I took it for granted that he was correct, and an
20 unwilling witness is not fit to talk to anyhow.

21 Q Can you name any of the witnesses you interviewed?

22 A No, sir, I can't at this time. If I had the file --
23 I interviewed -- I can describe some of them. I
24 interviewed everybody in the rooming house at 522½ --

25 Q Bessie Brewer, did you interview her?

1 A Yes, I did.

2 Q Charlie Stephens?

3 A I talked to Charlie Stephens' lawyer a half dozen
4 times. I don't know whether I ever finally got him --
5 I may have had one of these boys do that, I don't
6 remember.

7 Q Gracie Stephens?

8 A No, she was in the insane asylum.

9 Q James McGraw?

10 A Who?

11 Q James McGraw.

12 A The cab driver?

13 Yes, I had a statement from McGraw.

14 Q Canipe?

15 A I interviewed everybody in that building including a
16 couple of colored boys that claimed to have been in
17 there as customers, the guy that owned the record
18 shop next door -- it was in his place where the rifle
19 and other personal items were -- yes.

20 Q Did you interview anyone at the fire station?

21 A I tried to, several policemen were there, but I
22 couldn't.

23 Q You did not succeed?

24 A No, sir. These were the ones that I complained to
25 the Judge about that were right on the scene and ought

1 to have seen the shooting.

2 Q Solomon Jones, did you interview him?

3 A Yes, I talked to him two or three times.

4 Q Reverend Bevel?

5 A Reverend Bevel practically roomed with me two or three
6 days.

7 Q Where was that?

8 A At the Peabody. I had nine of the Southern Christian
9 people.

10 Q You took notes of your interview with him?

11 A Yes. I took Bevel down to talk to James Earl Ray.

12 I couldn't get him to talk to him at first, I had to
13 go give him a pep talk, and he finally would get
14 within two feet of the speaking tube.

15 Q This trip to Ray's cell that you made with Bevel,
16 was that before or after you had decided to plead
17 Ray guilty?

18 A I don't know -- I don't know. It is just not possible
19 for me, I would have to be a computer to say something
20 happened before -- I remember doing it, I remember
21 spending two or three hundred dollars on feeding that
22 committee, and I got a lot of help out of them I
23 thought.

24 Q Approximately when did you begin interviewing
25 witnesses?

1 A As soon as I got to Memphis.

2 Q November?

3 A Yes, sir.

4 Q How many witnesses would you say you interviewed in
5 November?

6 A I wouldn't know. I don't know how many I did on the
7 morning of December 1 or the afternoon of the 2nd.
8 I don't have that type of mind.

9 I don't want to offend you, but I
10 can't answer questions like that.

11 Q Would it help if -- were most of the witnesses you
12 interviewed, interviewed in the period of November ^{and} a
13 December, or would more have been interviewed --

14 A I continued interviewing anybody that I hadn't
15 interviewed, and continued to have them interviewed
16 just up until the day Ray told me he thought it was
17 best to enter a plea of guilty in consideration of a
18 waiver of the death penalty, and that was in the first
19 few days of February, and I came in the case on the
20 12th of November, and I cannot tell you when or how
21 many happened in some month or another month, or
22 what happened before something else. I don't know.

23 Q Now, these notes that, notes on witness interviews
24 which you turned over to the Hooker law firm, I thin^{nk}
25 you said in May of '72?

1 A I turned over my whole file, I said, some time in
2 1972. I didn't say May.

3 Q All these notes of witness interviews would be in
4 that file.

5 A Everything I have or have ever had.

6 Q Has been delivered --

7 A That was preserved is in that file, please, sir. There
8 is no exception.

9 Q Would you be able to guess approximately how many we
10 will find when we get that file?

11 A I can't guess whether you will find it or not, in
12 view of their failure to find it. I only tell you
13 where it is or was the last time I saw it.

14 Q You customarily take notes on a yellow legal pad, I
15 assume?

16 A I take notes on whatever is available. I spend a lot
17 for legal pads.

18 Q In this case the witnesses you interviewed in the Ray
19 case, would those notes be on yellow legal pad paper?

A They might be. They might be on a stenographic
notebook. It is easier to take interviews on a
notebook with a rule down the center, and I use a lot
of those, but I don't know and I couldn't tell you
who I took on that kind of book and who I took on a
legal pad.

1 Q Would you know whether you used pen or pencil?

2 A Oh, hell.

3 Q Did you tape any of your interviews with witnesses?

4 A No.

5 Q Did you personally examine any of the physical
6 evidence in the Ray case?

7 A Yes.

8 Q What, for example?

9 A I don't remember, but I examined everything that had
10 been examined -- they let me see everything that had
11 been ordered shown to the other man, Hanes. I don't
12 even remember a single one of them.

13 I go through these discoveries, and I
14 have tried, I don't know how many, but at least 25 to
15 35 more cases since I tried that one, and I don't
16 remember what I saw in any of them.

17 Q Did you examine the alleged murder weapon?

18 A Yes, I believe I did.

19 Q Did you examine a clip which was found with the rifle?

20 A I don't know. I don't recall whether it was dark
21 metal or light metal.

22 Q Did you examine the bullet removed from Dr. King?

23 A I did, a fragment, it was splintered.

Q It was a fragment only?

A You could tell it was a bullet, but it had been

1 fragmented, as we call it, when the bullet hits a
2 bone.

3 Q Did you ever employ a private detective by the name of
4 John Joseph Kelly?

5 A No, John Joseph Kelly employed me.

6 Q He employed you?

7 A Yes.

8 Q In what connection?

9 A To represent him.

10 Q In what case?

11 A A wire tapping case in Dallas.

12 Q Did you examine the windowsill?

13 A I don't remember -- I am trying to recall that -- if
14 I did, it had to have been at the D. A.'s office,
15 because as I recall, it had been removed from the --

16 Q From the rooming house?

17 A Yes.

18 Q Was that windowsill brought to the courtroom the day
19 of the guilty plea?

20 A I don't recall that it was.

21 Q The last place you saw it was in --

22 A I just remember its being removed from the bathroom
23 where the shooting occurred, I was there many, a half
24 dozen times or more, and I have vision or recollection
25 of having seen it, but I don't recall whether it was

1 in the courtroom or in the District Attorney's office,
2 or where. They were very co-operative in letting me
3 see what the other man had seen.

4 Q Did you request any scientific tests be made on it?

5 A They had made all the -- I did not know of any
6 scientific tests you could make on a windowsill except
7 to lay the gun in it, and they had evidence to the
8 effect that at least the rifle could have laid on it.

9 Q Did you see that evidence?

10 A I saw an indentation in that windowsill.

11 Q Did you see any police reports or laboratory reports?

12 A No, I wasn't given them. The Judge had already held
13 I was not entitled to them.

14 Q You did not talk to a forensic scientist about making
15 any such examination?

16 A You mean looking at a piece of wood and giving an
17 opinion as to whether or not a dent in it could have
18 been made by a rifle?

19 Q The barrel of a rifle.

20 A I did not consider -- in my judgment it wasn't
21 necessary. I only hire scientists, experts when there
22 is something involved that the common layman could not
23 determine with the naked eye.

24 Q Are you saying a common layman would have been able to
25 determine with the naked eye that this indentation

1 was made by a rifle?

2 A I could see just as much as a forensic expert. A
3 forensic expert is somebody a hundred miles away from
4 home.

5 Q How would this common expert you are talking about,
6 a man sitting on the jury, know?

7 A I am talking about my experience in trials in some
8 600 or more murder cases, and I think it would be
9 perfectly ridiculous in the trial of such case to
10 offer to the ordinary layman any such testimony.

11 Q How would the ordinary layman be able to tell with
12 the naked eye whether this was made with a pipe rather
13 than a rifle?

14 GENERAL HAILE: Mr. Lesar, you are
15 trying our patience. We have made the objection that
16 is utterly immaterial. It is unfair to ask Mr.
17 Foreman to sit here and answer these kinds of
18 questions, but let me suggest, as an alternative, if
19 you have anything to cross examine him about that is
20 material to this case, if you want to ask him any
21 questions that you want to ask him about, you do that
22 first and, then, at the end we will take up the
23 matter of whether you will be able to go through this
24 case witness by witness, note by note, windowsill by
25 windowsill, and then if you need an order, you go get

1 it.

2 MR. FENSTERWALD: Mr. Haile, you
3 set the deposition despite the fact that this case is
4 going to the Supreme Court. I am not at all sure why
5 we are having the deposition in view of the fact that
6 it has not been decided yet whether we will have an
7 Evidentiary hearing, but two of us have flown here
8 from Washington, one from Memphis, I know Mr. Foreman's
9 time is valuable, ours is too.

10 We have reserved our objections. We
11 have let you ask questions whether we thought them
12 irrelevant or relevant.

13 GENERAL HAILE: Let me respond to
14 that.

15 We have reason to believe that you
16 people are not working in behalf of James Earl Ray,
17 but in behalf of a certain Harold Weisberg of
18 Frederick, Maryland, who has written a series of books
19 on this case.

20 It appears to me this might be
21 interesting to the public, or to Mr. Weisberg, but it
22 is impossible to see where they are relevant to his
23 case.

24 I am not trying to cut you off. We
25 will stay as long as Mr. Foreman will stay here. I am

1 suggesting if you have anything material to this
2 case, if you want to ask this man anything about the
3 subjects I touched on in my examination, that you
4 continue those first, and, then, after you conclude
5 those we will come back to this.

6 MR. LESAR: No, I think I will just
7 proceed as I had intended my question.

8 A If you make the objection to immateriality, I will
9 follow it. We will let the Judge decide, because I
10 know we will be here three or four days this way, and
11 I have got other commitments.

12 GENERAL HAILE: My only concern is
13 for your time.

14 When you have had enough of this--
15 A I have already had enough of this kind of questions.
16 I want to be of all the help I can to either side --
17 I want to tell you this, that if you are really
18 representing James Earl Ray, I am on your side, I am
19 still for the poor deknighted individual that is
20 individual, I am continuously that way. I am here
21 to defend my reputation against the allegations that
22 I think have been improperly made against me, but I
23 don't want to sit and make ten questions of a dent
24 in a windowsill, and I don't believe the Court will
25 order me to, but I have no objection to answering the

1 questions, but I have a lady that is going to trial
2 for her life, a paid, murder for hire, and I have got
3 to get it continued. It is set for next week. I
4 have got seven cases set for next week, and I just
5 don't have the time for this finagling away at this
6 particular time. I will have.

7 Q I would say, in response to that, that we have a client
8 whom we believe to have been innocent of the charge on
9 which he was convicted and that he has now been in
10 jail five years, and we think these questions are
11 material to his defense and the Evidentiary hearing
12 that is coming up.

13 GENERAL HAILE: That may be, if he is
14 brought to trial, and you know, Mr. Lesar, that none
15 of these witnesses' statements, except the accused, are
16 admissible in Tennessee. As any first-year trial
17 advocate knows, there is no way Mr. Foreman of forcing
18 them to turn over statements to him of the forensic
19 experts, or anybody else.

20 This is a question of law.

21 MR. LESAR: That is what I propose we
22 let the Judge decide.

23 I would like to continue with the
24 questioning.

25 MR. LIVINGSTON: We emphatically deny

1 we are working for Harold Weisberg. We are working
2 for James Earl Ray.

3 GENERAL HAILE: I am glad to hear that.

4 MR. LIVINGSTON: And if you only knew
5 what is known, you would be astounded.

6 THE WITNESS: I hope you will fill me
7 in.

8 MR. LESAR: We work for James Earl Ray
9 and no one but James Earl Ray.

10 GENERAL HAILE: Proceed.

11 Q (By Mr. Lesar) While you were working for James Earl
12 Ray, did you file any motion for discovery?

13 A I filed several motions, I think a total of ten, they
14 are of record, you will find them.

15 Q Did you ever see or obtain copies of any ballistics
16 reports?

17 A As far as discovery, Judge Battle said we had had one
18 discovery, and he wouldn't permit any other discovery
19 motion, if he had committed error, it was already in
20 the record.

21 Q Did he say this in court or in conference with you?

22 A With me, in his chambers.

23 Q My understanding is that you did not obtain any of
24 the ballistics reports in the case.

25 A I did not obtain any from the police department. They

1 wouldn't talk to me.

2 Q Did you obtain any from the F.B.I.?

3 A I tried to. I couldn't -- I had the same turndown
4 there. I wrote the Department of the Attorney General
5 and had considerable correspondence there, and I tried --
6 there is no procedure that I knew other than what I did
7 do, to get it.

8 Q On February 14 you submitted to the Court a motion for
9 continuance which stated you had not obtained the
10 extradition documents from London.

11 Did you ever receive the extradition
12 documents from London?

13 A No, I never did. I received a lot of material from
14 London, but I did not receive what I had requested.
15 The man -- the lawyer wanted me to send \$1200 and he
16 would bring it, but he wouldn't send it. That is my
17 recollection of his attitude.

18 Q What was the purpose of your motion for continuance?

19 A I don't know. I don't even remember. I file lots
20 of them. I can't carry that in my head.

21 Q I believe you stated --

22 A Don't you have a copy of it?

23 Q Yes.

24 A It would speak for itself, whatever the purpose was.

25 Q Would it be fair to state that the purpose of that

- 1 motion for continuance was to get additional time in
2 which to investigate the case?
- 3 A It was a motion -- that was one of my ideas, of course.
- 4 Q Yes.
- 5 A But, I don't know. I have never lost a case in my
6 life until I tried it.
- 7 Q You haven't lost many of those, have you?
- 8 A Well, I have lost more than people think, but I have
9 been lucky.
- 10 Q Did you read an affidavit of the F.B.I. ballistics
11 expert, Robert Frasier, before you decided to plead
12 Ray guilty?
- 13 A No, but I was familiar with it.
- 14 Q What did it say?
- 15 A Something about that he couldn't positively say that
16 the bullet that was taken from Dr. Martin Luther
17 King came from the rifle that bore Ray's fingerprints
18 and was found in Canipe's, the front of his shop, but
19 that was because of fragmentation.
- 20 Q So, on the basis -- your basis for knowing that was
21 the substance of his affidavit that came from
22 inspection reports, or how were you aware of this?
- 23 A I don't know.
- 24 Q Just something you picked up along the way?
- 25 A This was the most investigated case in the American

1 Annals of Trial Procedure, and it was the most
2 thoroughly covered -- in fact, it was too thoroughly
3 covered because there were a lot of things printed in
4 the papers that weren't true. I found that out in my
5 investigation. Everything had been printed, and I
6 don't know whether I absorbed it, or from what source
7 I gathered it, but I did know that about the F.B.I.
8 report.

9 Q On the basis of what you knew about the F.B.I. report,
10 did you conclude that there were any ballistics
11 evidence which tended to implicate James Earl Ray in
12 the crime?

13 A I did not consider that there was ballistics evidence,
14 but I was convinced that there was overwhelming
15 evidence to prove that James Earl Ray and nobody else
16 killed Dr. Martin Luther King, and that any jury that
17 I had ever worked with before, on the evidence that
18 was available to the prosecution, would convict him,
19 and I was also convinced that because of the nature of
20 the case that there would be the death penalty, and
21 that was my considered judgment and the best judgment
22 I had, and that was why I recommended that we
23 negotiate for a waiver of the death penalty.

24 Ballistics -- it is not unusual -- I
25 have had hundreds of cases where there was a

1 fractured, fragmented missile that nevertheless the
2 Defendant was convicted.

3 Q Was there any eyewitness who identified Ray as being
4 at the scene of the crime at the time the murder was
5 committed?

6 A I did not find any, but there was overwhelming
7 evidence, fingerprints alone, sufficient to convict.

8 Q Where were these fingerprints located?

9 A Well, there was one on the scope, one or two on the
10 barrel of the gun.

11 Q Did that seem to you to be an unusual place for
12 fingerprints to be on the rifle?

13 A Not after I got James Earl Ray's explanation, that
14 there wasn't an inch of the rifle that he hadn't
15 intentionally placed his fingerprints, that it would
16 be most unusual for that to occur.

17 Q Wouldn't it be unusual in view of that statement that
18 there were fingerprints, I believe you said something
19 like 31 fingerprints on the rifle -- is that what he
20 said?

21 A No, he didn't give me any number and I never stated
22 any number. He said there wasn't an inch of space
23 on the barrel or the stock or the case that his
24 fingerprints weren't on.

25 Q Wouldn't it seem unusual, then, that the remaining

fingerprints were in those locations, on the scope?

A I didn't ask anybody about any remaining fingerprints. I knew that they hadn't reported but a few fingerprints, approximately four or five but, again, his statement that he had attempted and had intentionally placed them everywhere he could on the gun and on the case and on something else, I have forgotten what it was --

Q Why would he intentionally place fingerprints on the rifle?

A He told me why. He wanted the boys back at Jefferson City to know that he had done it.

Q I see.

A He didn't want to be caught, but he wanted credit. He thought he would be the hero of the white segment of America.

Q In line with that, then --

A He didn't say these last two, he just said he wanted the boys back in Jefferson City to know it.

Q Did you believe that explanation?

A Certainly I did. That is the most consistent thing with his character of anything you can imagine. If a man wanted -- that would go to the trouble he had, and stalk a man as long as he did, and to achieve that -- if he actually believed that it would make

1 him a hero, it would be very logical that he would
2 want credit for it.

3 Q Then it would also be logical that he wouldn't attempt
4 to wipe his fingerprints off the rifle?

5 A He told me he didn't wipe them off, that he wrapped
6 the gun and the other up to keep the fingerprints from
7 being wiped off.

8 Q Did you read an affidavit of Charles Quitman Stephens
9 before you decided to plead James Earl Ray guilty?

10 A I know the man you are talking about, He is a man
11 whose wife was in the insane asylum, he is a chronic
12 alcoholic. He had a lawyer, he had employed a lawyer.
13 I suspected the lawyer was doing whatever he did for
14 Stephens as a fee for the prosecuting attorney, but
15 he wouldn't let me or the boys, or boy, I don't know
16 which it was that I sent to him, talk to him unless
17 they would get the consent of his lawyer, and I
18 called on that lawyer two or three times. There were
19 two of them, only one of the two represented
20 Stephens, and he put me off and put me off. I was
21 there at least three or four times and he would never
22 give me permission, and intimated that there must be
23 some kind of money forthcoming, which I would not be
24 a party to, and he was -- I don't remember the words
25 he used, but Stephens had had so much expense, and

1 this thing had flipped his lid, put a lot of pressure
2 on him, made him have a lot of doctor bills,
3 roundabout hints like a damage suit lawyer would make--
4 I had those experiences with him.

5 Now, as to whether he showed me a
6 copy of that affidavit or not, I don't know. I just
7 have -- if I hadn't tried any cases since then, I
8 would possibly remember, but I have, and I don't know.

9 Q Do you know what that affidavit said?

10 A No, I have forgotten. I know that as related to me--
11 no, his wife's affidavit was misquoted to me in the
12 first place, and I developed that, what had been
13 misquoted to me.

14 Q But to the best of your recollection you neither
15 obtained nor read the affidavit by Charles Quitman
16 Stephens?

17 A I haven't said that. I said, "I don't remember." I
18 have said, "Not that I remember."

19 It is quite likely I read it, if it
20 was available.

21 Eventually this lawyer did do
22 something, I don't know whether he agreed to let
23 Stephens talk to one of my investigators, or exactly
24 what it was, but I remember that there was eventually
25 some concession after I had made more trips than I

1 wanted to, to his office.

2 Q Do you know whether Hugh Stanton had represented
3 Charles Quitman Stephens?

4 A I don't recall.

5 You mean Hugh Stanton, Jr., I guess,
6 don't you?

7 Q Either one.

8 A I am sure that if Hugh Stanton, Sr. had represented
9 him, it was in his capacity as Public Defender,
10 because he has been Public Defender there for many,
11 many years, nearly 20 or more.

12 Q If he had represented Charles Quitman Stephens in an
13 action growing out of the King assassination, would
14 you have considered that as grounds for not associat-
15 ing Stanton in the defense of Ray?

16 A I didn't ask to associate Mr. Stanton, the Court did
17 not give me any option. The Court, out of the blue,
18 decided that himself.

19 Q You did not talk with Judge Battle about that before
20 the hearing?

21 A I did not, and I was amazed it happened.

22 I did not say, "You can't do that,"
23 but I did not know he was going to do it until he
24 said it from the bench.

25 Q I am going to show you Exhibit No. 27, which was in

1 the habeas corpus petition, an affidavit of Charles
2 Quitman Stephens, and I would like you to look at it
3 and see if you recollect having read it before.

4 MR. LESAR: I would like to introduce
5 that as an exhibit.

6
7 (Whereupon the instrument referred
8 to was marked as Plaintiff's Exhibit No. 1, a copy of
9 which is attached hereto).

10
11 A I have read the Charles Quitman Stephens' affidavit,
12 now.

13 What is your question?

14 Q (By Mr. Lesar) The question is, have you seen this
15 affidavit before today?

16 A I do not recall seeing it. If I did, it wasn't in
17 this form. I mean by that, it wasn't typed and set
18 out.

19 Q You mean you wouldn't have seen it unless it were in
20 longhand?

21 A I don't remember seeing anything this precisely
22 typed.

23 I recall generally this, the facts in
24 it, from some source, and I also recall talking with
25 this Willie Anshutz that is mentioned in there, but I

1 do not recall -- this, of course, is a record and was
2 typed in the United States District Clerk's office,
3 presumably, and it would not be the original, I would
4 think.

5 Q It is a copy of an affidavit which was submitted in
6 London as part of the extradition documents which you
7 were seeking but did not obtain?

8 A Well, I did not, I did not get it. There was a lot
9 of correspondence and phone calls from me to that
10 attorney, Eugene, over there, because I didn't even
11 believe that he would bring them if I sent the \$1200
12 as wanted.

13 Q All right. Did you attempt -- I am sorry. This may
14 have been covered by your previous answer, but did
15 you attempt to obtain any discovery or any
16 statements Charlie Stephens or his wife made to the
17 police immediately after the crime was committed?

18 A That was my object in calling the police. I maintain
19 good relations with the police everywhere, and that
20 was the first time I had met, in Texas or any state
21 in the Union, with blanket orders, the same attitude,
22 it had to come from one source. There are always
23 some policemen that are not only willing but anxious
24 to talk.

25 Q But you did not get any statements from them?

1 A I did not get any help whatever from the Memphis
2 police department.

3 Q Did you have any contact with William Bradford Huie
4 prior to that time you first flew to Memphis to meet
5 with Ray in the Shelby County jail?

6 A No.

7 Q No conversations or correspondence?

8 A The only time I ever talked with William Bradford
9 Huie prior to that time was in connection with an
10 obscenity case I was trying in Federal Court, here,
11 and I was attempting to engage him as an expert
12 witness in the redeeming value, social content, of
13 some books. I called him on the phone, and had never
14 seen him before or since, and that was the extent
15 of the conversation.

16 Q What was the date on that?

17 A I can guess at it. It was before the death of
18 Dr. King. I would guess it was in 1965.

19 Q What was the style of the case? Who was the
20 Defendant?

21 A Here?

22 Q Yes.

23 A Well, I imagine the most important Defendant was
24 Bill Hamlin. I don't know which one. There was
25 about 25 Defendants. They were publishing houses and

1 the owners of the publishing houses. Hamlin was the
2 man that owned the publishing house, and the case was
3 eventually transferred. I tried it and it was a hung
4 jury, and it was transferred to San Diego where Hamlin
5 lived, and it was dismissed, but I wasn't able to
6 engage his services.

7 Q What was the date of your first meeting with Huie with
8 respect to the Ray case?

9 Did you meet him on November 12?

10 A No, sir, I did not. I answered that, and it is in
11 the record.

12 It was about toward the latter part
13 of November. I made a one-day trip to Irving, Texas,
14 met him at the Dallas, Texas airport, and it was -- I
15 am just guessing at that -- it was approximately 10 or
16 12 days after I had gotten in the case, in my best
17 judgment.

18 Q I am underlining a few sentences in here.

19 On page 191 of Huie's book "He Slew
20 the Dreamer" which I will introduce as an exhibit, and
21 I would like to know whether or not this account in
22 the underlined passage is substantially correct.

23
24 (Whereupon the instrument referred
25 to was marked Plaintiff's Exhibit No. 2, a copy of

1 which is attached hereto).

2
3 A That is complete fiction. I did not --

4 Q (By Mr. Lesar) Would you read the passage for the
5 record?

6 A What you have got outlined is "How could the Rays have
7 known that in my first telephone conversation with
8 Mr. Foreman he would say: 'Now, you know, of course,
9 that I'm depending on you for my fee. So tote that
10 bale, boy! Get to work!'

11 "Early on Wednesday morning,
12 November 27, 1968, I met Mr. Foreman at the Statute
13 of the Texas Ranger at the Dallas Airport. We drove
14 to Ft. Worth where he made a brief courtroom
15 appearance. Then we had lunch, and all together we
16 talked for several hours."

17 That did not happen.

18 Q The phone conversation did not happen?

19 A That part of it did not happen.

20 There was a phone conversation
21 setting up that meeting -- I hadn't gotten into this
22 thing until February 3, and this was November 27 --
23 I was utterly against the thing, though, until we had
24 to have money for -- until Ray told me to get in touch
25 with him, and that was January 25. Furthermore, that

1 is not my language. Anybody that knows me knows I
2 wouldn't say, "Tote that bale, boy!" and I wouldn't
3 have called him "boy." I didn't know the man except
4 to respect him as a writer. I had read some of his
5 books, and I thought he was looking for a new version
6 of "Three Lives in Mississippi."

7 I refused to have anything to do with
8 that. I was critical of the idea. It wasn't a
9 question of money or any ethics or not, it was simply
10 that all of these articles, any publicity poisons a
11 community's attitude where a jury comes from, and you
12 don't know how to combat that as a trial lawyer.

13 This is just fiction. He has indulged
14 in poetic license here to make something readable.

15 Actually, there is something in the
16 articles attributed to me, a thousand articles, that
17 I didn't say, but he had me saying things in that
18 Look Magazine. It's the best thing in there, and
19 people quote it all the time.

20 Q What is that?

21 A I forget what it is, it's at the close of it, the last
22 paragraphs, or last two paragraphs of it. I have
23 forgotten, the Look Magazine of April 15, but he
24 wanted to make it more readable and he did make it
25 more readable, but I did not write it. I wrote the

1 article down to a certain point.

2 MR. LESAR: I would like to introduce
3 this as an exhibit.

4 GENERAL HAILE: What?

5 MR. LESAR: The page from the
6 April 15 issue of Look Magazine, April 15, 1969.

7 GENERAL HAILE: Are you going to try
8 to get that in?

9 MR. LESAR: I thought it was in.

10 GENERAL HAILE: It ain't in.

11 MR. LESAR: It ain't in?

12 GENERAL HAILE: We object to it as
13 hearsay, but go ahead and put it in for the record.

14
15 (Whereupon the instrument referred
16 to were marked Plaintiff's Exhibits Nos. 3 and 4
17 for identification, copies of which are hereto
18 attached).

19
20 GENERAL HAILE: Let's see what else
21 he has got stuck on there.

22 A It is the second to the last paragraph -- the last
23 paragraph is mine, and the sense and spirit and
24 thought of the next to the last paragraph is mine,
25 but those are not my words. I did not write them and

1 did not know they were in there until I read the
2 article when it came out in Look. All the rest of it
3 is mine.

4 Q (By Mr. Lesar) You are objecting --

5 A I am not objecting at all.

6 Q That was a very poor phrase on my part.

7 A I am not assailing Huie as any different than most
8 writers of fiction, they know how to write for the
9 public and make something readable. I think he is as
10 good as any writer in this country, and I respect
11 him as a man, but this is not true, what you read me
12 from that book -- I have never read that book.

13 Q I will get back to that in a minute, let me concen-
14 trate on your next to the last paragraph in the
15 article authored by you in the April 15, 1969, issue
16 of Look Magazine.

17 That paragraph has to do with
18 statements which you said Huie was actually the author
19 of which claimed Ray believed Dr. King was a
20 communist and Ray thought the war between the races
21 was imminent and wanted to fire the first shot.

22 That is the paragraph --

23 A But, now, it is my considered judgment that Ray did
24 think that he would set off a pogrom against the blacks
25 and that he would be the leader. To that extent, I

1 concur, but the words -- I don't recall ever --

2 Q You did not write this?

3 A No, I didn't.

4 Q And you were not consulted about the text of it
5 before --

6 A I don't know whether he said anything to me about
7 going to polish it up or something like that, but I
8 didn't know of the paragraph until I read it. I had
9 never written it.

10 Actually, as I wrote the item, it
11 wasn't long enough for what Look had promised to pay
12 \$1,000 for. I think they wanted a thousand words, or
13 whatever number of words article they wanted, but it
14 didn't measure up.

15 He didn't do this with the intention
16 of doing anything except fulfilling the contract.

17 I didn't have any deal with Look, he
18 brought me the proposition.

19 MR. LESAR: Would you put this Look
20 article in as Exhibit No. 3, Plaintiff's Exhibit
21 No. 3.

22 Q (By Mr. Lesar) Returning to page 191 of "He Slew the
23 Dreamer," there was a telephone conversation prior to
24 the meeting with you in the Dallas airport.

25 A He called me wanting to know if he could talk with me,

1 he didn't say anything to me about anything and he
2 didn't -- he wanted to know if I would be available
3 to continue carrying those things, those questions,
4 and I told him I would rather not at that time. I
5 don't remember, but I did not agree to do it, and
6 never did do it until after January 25.

7 Q Mr. Foreman, I am showing you now pages 192 and 193
8 of "He Slew the Dreamer," and I have underlined
9 certain passages and I would like you to read those
10 passages and indicate if they reflect the content of
11 your conversation.

12 A They do not. There wasn't any such conversation as
13 that. I have never shown any interest -- I never
14 expected to get a damn cent out of that book.

15 Q Would you read that passage for the record?

16 A Sure I will.

17 "Mr. Foreman liked my three-way
18 contract with Ray. All he wanted was for Mr. Hanes
19 to get out so he could have what Mr. Hanes had had.
20 'I like the idea of owning 60 percent of one of your
21 books,' he said, 'while you own only 40 percent. So
22 you get Hanes out and let me in, then, goddamn it,
23 get to work and write us a good book and make us a
24 good movie and make us some money.'

25 "I don't mind you having the money,'

1 I said. 'But your client hasn't met his obligations.
2 I want to know how, why and when he decided to kill
3 Dr. King.'

4 "He may be incapable of telling
5 anybody that,' Mr. Foreman said. 'You know why he
6 did it. I've seen him only briefly, and I already
7 know why he did it.'

8 "But I want the particulars,' I
9 said. 'And I expect you to get them for me. If you
10 want me to work for my 40 percent, goddamn it, I
11 expect you to work for your 60 percent.'"

12 That did not happen.

13 Q None of it happened?

14 A No, sir, not any of it, not a bit of it. That is his
15 poetic license.

16 Q Did you discuss the Hanes-Huie-Ray contracts at all
17 during this meeting with Huie?

18 A Are you talking about in Dallas?

19 Q Yes.

20 A No, sir, I did not and he did not discuss them except
21 to ask me if I would be available to carry those
22 things. I told him I would let him know, that he
23 could be a lot of help to me by the investigation he
24 had made elsewhere, and that I could cover everything
25 in Memphis, but that California and Vallarta and New

1 Orleans, I would like to have his cooperation, but I
2 did not say a word of what is there, or anything that
3 in any way suggests or could be interpreted as that.

4 Q Did he suggest to you that you might take Hanes'
5 position in the contracts?

6 A No.

7 Q There was no discussion at all about contracts except
8 this --

9 A No. At that time I think, I don't know that Hanes
10 had ever, that I had ever talked with Hanes. I don't
11 know. I had no idea that I would ever have anything
12 to do with that contract until January 25, and not
13 then -- it was a few days after then. I had never --
14 I have never read the contract to this good hour.
15 I don't know anything about copyrights and the value
16 of any of those things, I am not interested in them.

17 Q At your meeting of November 27 in Dallas did you and
18 Huie talk about this book or magazine articles?

19 A I don't recall. I was under the mistaken idea, when
20 I said it was Irving, Texas, it was for somebody from
21 Irving, but it was in Ft. Worth, for the case that I
22 was up there on.

23 Q Did Huie tell you at that time that -- what did he
24 tell you at that meeting about the Ray case, his
25 contracts, what did he represent?

1 A I don't recall discussing it, I don't recall. There
2 may have been just some passing conversation about
3 it, but I don't recall it, but I do know that those
4 things did not happen because I was absolutely
5 opposed to it.

6 Q What did you discuss at this meeting?

7 A I don't recall anything except the proposition of
8 what he had learned about the case in his various
9 travels and how thoroughly he had investigated it and
10 checked and double checked on everything that had been
11 told him. I don't know whether he was trying to
12 impress me, but he did very much impress me with the
13 amount of carefulness and reliability of his
14 investigation.

15 Q Did he tell you he thought there was a conspiracy to
16 assassinate Dr. King?

17 A I don't recall that, but I know that he hoped -- I
18 read those Look articles and I could tell from that
19 that that was the pitch of his book. He had had so
20 much success with "Three Lives in Mississippi" that
21 he was just going to do a rerun of it in this thing.

22 I do know it was hard for me, it took
23 about two or three hours for me to sell him on the
24 idea of my conception that Ray and Ray alone did it.

25 Q He did not agree with that?

1 A He did not dispute it, and in about two or three
2 hours he agreed I was bound to be right.

3 Q This was on November 27?

4 A No, this is when -- no, it isn't on November 27. This
5 is when I finally agreed to carry these things to him,
6 which was after January 25.

7 Q Let me read you a passage which purports to be what
8 he told you, and let me get your response on that.

9 "And speaking of mistakes, I believe
10 you have made one. This is not your sort of case.
11 You let them get you to Memphis where the old fire
12 horse couldn't resist another race to the fire. But
13 a week after you begin trying to work with Ray, you'll
14 know that there is no defense, and you'll be as sick
15 of the case as Hanes was. You did Art a favor by
16 replacing him; you just haven't realized it yet."

17 Did he tell you that?

18 A I don't recall that.

19 When does he claim that happened?

20 Q This is at the November 27 meeting.

21 A Absolutely not.

22 GENERAL HAILE: Where is that, I don't
23 see it.

24 MR. LESAR: It's this paragraph here
25 (indicating).

1 A It was my understanding that there would be some
2 return by Hanes of the \$30,000 that had been paid him
3 and that they had that all settled out of the book
4 and I didn't have any part of it, or any part of the
5 grievance. I didn't want to mess with it. I had no
6 right to interfere with another lawyer's collection of
7 his fee.

8 We did not have any such conversation
9 as that on November 27.

10 Now, later he may have said that, "You
11 did Art a favor in taking the case over," or something
12 like that, but the rest of it I did not say.

13 Q (By Mr. Lesar) What was the date of your next meeting
14 with Huie?

15 A After I called him on January 25, 1969.

16 Q That was the next one after the November 27 meeting,
17 was some time at the end of January?

18 A Yes.

19 Q Who called who?

20 A I called him at the suggestion of James Earl Ray.

21 Q And there was no correspondence or phone calls in
22 between?

23 A Absolutely not.

24 Q According to Huie he told you on November 27 that
25 there was no prospect of his book making money.

1 Did you believe that?

2 A On November 27?

3 Q Right.

4 A I don't remember anything about that.

5 I wouldn't have had any reason to say
6 it.

7 I don't believe there was any mention
8 of that.

9 He told me there was no chance of
10 his making money when I convinced him that there was
11 no conspiracy in the case.

12 Q When did you first conclude that there would be no
13 money in his book?

14 A I didn't ever think there would.

15 Q You didn't ever think there would be money in his
16 book?

17 A I didn't think that you could, that the same author
18 could write the same book twice with different names
19 and make a success of it.

20 Q You mean "Three Lives For Mississippi"?

21 A Right. That is what my common judgment told me.

22 Q When did you convince him that there was no
23 conspiracy?

24 A As soon as I was convinced and the first time I saw
25 him -- he didn't come up there very often. As a

1 matter of fact, the judge had him scared to come,
2 he threatened to put him in jail. I don't know when
3 it was -- I don't know when anything is.

4 Q He did come in to Tennessee to testify before the
5 Shelby grand jury?

6 A Yes, I guess so. He didn't come -- I don't remember
7 whether he was there when that happened or not.

8 Q Did you know if it in advance?

9 A I don't know whether it had already happened when I
10 got there or whether it happened after I got there.
11 I had nothing to do with that.

12 Q Did you see that as involving your client's rights?

13 A I wasn't concerned with Huie at that time.

14 It had happened -- I don't remember
15 it's happening after I agreed to, after he paid us
16 those two \$5,000 checks. I don't know that he
17 didn't, but I don't recall that he did.

18 I won't debate any time it happened,
19 I don't know. I just haven't any recollection of the
20 time.

21 Q I believe it happened in February.

22 A I was in the case then.

23 Q And you were in Memphis then?

24 A Yes.

25 Q Did you advise Huie not to appear before the Grand

1 Jury?

2 A Hell no. I had no right to advise Huie, I didn't
3 represent him. He had lawyers from New York and
4 somewhere else.

5 Q You did not seek to oppose this in any way, you did
6 not file a motion?

7 A I don't butt into a case unless people hire me. I
8 don't go out giving people advice on what to do and
9 what not to do freely. I had no concern with that
10 Grand Jury deal.

11 Q You don't think it jeopardized your client's rights?

12 A What?

13 Q Huie's appearance before the Grand Jury.

14 A Until you advised me, I did not know he had been
15 before a Grand Jury, I had forgotten it if I had known
16 it. I know he came up there, but I was thinking it
17 was in connection with trying to purge himself of
18 contempt of Judge Battle, but that was utterly
19 foreign to me.

20 Q When General Haile examined you this morning, you
21 referred to your convincing Mr. Huie that there was
22 no conspiracy in the case and that he then told the
23 lady who was, who he was dealing with at Dell
24 Publishing Company, and that she exploded.

25 A I just had his word for that.

1 Q You had his word for that, he did tell you that?

2 A Her reaction was, "The book is down the drain."

3 Q Because there is no conspiracy at all?

4 A Right.

5 Q I have to search for an exhibit here for just a
6 second.

7 You stated -- strike that.

8 In the New Orleans States item of
9 March 24, 1969, it is stated that you had said that
10 an offer of \$175,000 had been made to Huie for the
11 movie rights to his story.

12 Did you make that statement?

13 A I don't recall making it, but I wouldn't -- there
14 was some discussion with me after this case was over
15 by Huie about movie rights between him and Carlo
16 Ponti, and I don't know whether the 175,000 was
17 mentioned or not, but it sort of rings a bell.

18 Q There was some discussion between Huie and Carlo
19 Ponti?

20 A I got the impression -- I got the name of Carlo
21 Ponti as someone interested in the rights to any
22 book on this man, and I got it from Huie, and I
23 don't remember whether he said it had been done or
24 was going to be done, and somebody did ask me about
25 that. It wasn't in New Orleans that they asked me

1 about it, it was in New York, and I guess it was
2 carried by wire service.

3 MR. LESAR: I am introducing that page
4 as an exhibit, Plaintiff's Exhibit No. 4.

5 A Also I read an article quoting Ponti a day or two
6 after this, stating there wasn't anything to that,
7 that he hadn't made any such offer. That was in a
8 New York paper. I was working in New York at the
9 time.

10 Q (By Mr. Lesar) In the New Orleans States item of
11 March 24, 1969, you are quoted as saying that you would
12 get 60 percent of this movie contract and that your
13 60 percent share of the movie, book and magazine
14 rights might total \$400,000 or so.

15 A I have no recollection of saying that, and it is out
16 of character for me to use that -- all you have to
17 do -- you say something like that, all you are doing
18 is asking the Internal Revenue to jump on you, and any
19 man that quotes this kind of fee is just an idiot,
20 that is where they get all their leads, is from
21 stories like that, and I have known that all my life,
22 and this is somebody that had written on the story
23 down there at Memphis and was familiar with that
24 contract, and that was just making it, just like he
25 made that more readable in the book, that is a sample

1 of a clever news writer making something more readable.

2 Q But you were aware an offer had been made to Huie by
3 Carlo Ponti?

4 A No. I was aware that in a conversation with William
5 Bradford Huie, I think it was in Memphis, that he had
6 mentioned the name of Carlo Ponti in connection with
7 being interested in the movie rights. I don't know
8 the tense, it might have been his going to try to
9 interest him in the movie rights, but the name of
10 Carlo Ponti was mentioned, and I think the 175,000
11 was, but I am not sure it was.

12 Q Would this -- when did Huie tell you this?

13 A I don't know.

14 Q Was it before the guilty plea of afterwards?

15 A It was after.

16 Q After the guilty plea?

17 A It was within 24 hours of that story being released
18 to the wire, the same day, it must have been -- I was
19 in New York, and I was Hartsell -- it must have been
20 by phone, I don't remember being in New York, being
21 with him, but I know I was in New York when I said
22 that about Ponti and the 175,000, if I said the
23 175,000 but I went to New York and worked there a
24 good while right after the case in Memphis.

25 Q Did you have any contact with anyone else interested

1 in the movie or television rights to Huie's book?

2 A I did not have contact with anybody -- I have had no
3 contacts with anybody concerning my fees or rights to
4 book, magazine, picture or TV, any rights except
5 William Bradford Huie.

6 Q Now, it is my understanding, based on your comments
7 this morning, that you were first contacted about the
8 possibility of representing James Earl Ray in June of
9 1968. Is that correct?

10 A Whether you call it representing him or not, I had a
11 call from Jerry Ray, his brother, the one to whom he
12 is closest, asking me to go see him as soon as he
13 landed in Birmingham.

14 Q And what was your response to that?

15 A I told him the same thing I told him the other time,
16 or two times that he called me, and that was that I
17 would not go to see him unless I had a letter from
18 James Earl Ray himself, because I doubted, in the
19 first place, if they would let me see him, and in the
20 second place, I did not want to put myself in the
21 position of a lawyer seeking business, and I did have
22 such a letter at the time I went to the Shelby County
23 jail.

24 Q I am showing you again this April 15 Look article
25 which has been introduced as Plaintiff's Exhibit No. 3,

1 and in that article you state, "When, last November,
2 the brothers of James Earl Ray sought me out and handed
3 me a letter from him, beseeching me to represent him,"
4 where did they hand you this letter?

5 A I told you a long time ago that I didn't know, I had
6 forgotten whether I picked it up at Livingston, I
7 mean at Houston at my office after the 9th of November
8 and on my way to Memphis, or whether it was handed to
9 me in Memphis, and I did not use that word
10 "beseeching," that was edited. That is not one of
11 my words. I had some other word which wasn't as good
12 as that. That is better written than I originally
13 wrote it.

14 Q Do you have a copy of that letter?

15 A It's in the file.

16 Q In the Hooker file?

17 A Yes, sir. It's in my file that was in Hooker's car
18 the last time I saw it.

19 Q Now, John and Jerry Ray, just prior to your entry
20 into the case, I'm talking about November or
21 possibly October -- when was the first time in that
22 time period just prior to your trip to Memphis that
23 you were contacted by either John or Jerry Ray?

24 A The 9th of November. I mentioned that before, and I
25 hadn't heard from them for 20 or 30 days before then.

- 1 Q You had heard from them in September?
- 2 A I don't know. I know it had been a month or more.
- 3 Q And what did you tell them when they phoned you?
- 4 A I told them the same thing every time, that I
- 5 wouldn't go and embarrass myself by not having a letter
- 6 from the man asking me to come see him. I didn't
- 7 have any right to demand to see him unless I had a
- 8 letter from him asking me to come see him.
- 9 Q What representation did they make to you to get you to
- 10 come to Memphis?
- 11 A None whatever.
- 12 Q They must have said --
- 13 A They told me they had such a letter.
- 14 Q I am not talking about a letter, but what did they
- 15 say about the case, about James Earl Ray's situation?
- 16 A They didn't say anything. Those men wouldn't know
- 17 what to say. Those men are just morons.
- 18 Have you ever met them?
- 19 Q Yes, I have.
- 20 A What did they say?
- 21 Q You are the one that would have, presumably, better
- 22 knowledge of that than I would.
- 23 A They are just a bunch of, a couple of morons.
- 24 Q You went without any specifics?
- 25 They must have said --

1 A I don't give a damn what they must have done, they
2 didn't. They said he wanted to see me.

3 Q And on that basis you went to Memphis and John and
4 Jerry Ray met you at the Memphis airport?

5 A I am trying to remember. One of them may have and
6 neither may have, or we may have set up a meeting at,
7 there is a motel there, the Captain something or other,
8 or Admiral something or other.

9 Q Captain's Bell?

10 A It could be that. It seems like there was some other
11 nautical term. It's a man's name.

12 GENERAL HAYLE: Admiral Benbow.

13 A Yes, I think it is Admiral Benbow.

14 I either took a cab and met them
15 there where they had a room --

16 Q Is this motel near the airport or at the airport?

17 A It is not very far, but I don't remember exactly
18 where it is.

19 I have sort of a hazy recollection of
20 riding there in an old car, but I don't recall -- I
21 remember asking for a -- for their room, so they must
22 not have been with me, but I couldn't tell you. I
23 just don't know.

24 Q You landed at Memphis, at the airport, and then you
25 went to their motel?

1 A I think they -- they could have met me and I could
2 have ridden with them there, but I am almost certain
3 it was the Admiral Benbow, and it is quite possible
4 that I had agreed to meet them at that place, but I
5 do not recall, I can't tell you. I just wouldn't --

6 Q Did they give anything to you when you met them at
7 the motel?

8 A You mean like money?

9 Q That's one thing.

10 A No. I don't recall; they may have given me that
11 letter, then, I don't know.

12 Q Did they give you copies of the contracts, the Hanes
13 and Huie contracts?

14 A Oh, hell, no. I never saw those contracts until
15 January 25.

16 Q You did not see anything of those contracts until
17 January 25?

18 A I state I never saw them, and when I saw them, I did
19 not read them.

20 Q I'm talking about the contracts between Hanes, Huie
21 and Ray.

22 A That's what I'm talking about. I did not see them.
23 They did not bring them to me, and I doubt if they
24 would have known what one was if somebody didn't
25 tell them.

1 Q Then after you met with John and Jerry Ray for, say,
2 how long at the motel?

3 A I don't know.

4 Q Just a short while?

5 A I don't know.

6 Q Then you went --

7 A I don't know what time it was when I got there, whether
8 we had anything to eat or not, I don't know.

9 Q Then you went to the jail to speak with James Earl
10 Ray?

11 A Yes. I don't know what time I got to Memphis, but I
12 am perfectly certain I got to the jail about 10
13 o'clock.

14 Q In the evening or morning?

15 A Morning.

16 Q All right.

17 A And they had the damnedest, it looked like a regiment
18 of policemen, two or three hundred, in every direction,
19 two or three blocks away from the jail. You
20 couldn't get within more than two or three blocks of
21 the jail, wire ropes, nobody was there but the
22 policemen, and you would have thought -- well, I
23 don't know what you would have thought.

24 Q Where did your conference with Ray take place, was
25 it in his cell?

1 A Sure.

2 Q Were there any guards present during the conference?

3 A Yes, but no more than there were at every conference.

4 Q In the cell or outside?

5 A Well, I don't believe they were ever in the cell with
6 him and me, I think any observation they kept of us
7 was on that television that was in the -- of course,
8 the cell is inside a big concrete room, and they were
9 out in that concrete room.

10 Q They were within earshot?

11 A No, I don't think they were. I never, at any time,
12 unless they had planted mikes, and I always operate
13 on the theory that they do, and any time I talk to
14 anybody on any case that has had any publicity, I
15 just assume that I am being taped, but I had nothing
16 occur at that jail to give me any reason other than
17 my experience back over the years.

18 Q Were both John and Jerry Ray present?

19 A No.

20 Q What did James Earl Ray say to you?

21 A I don't remember what and how, I have already told
22 you, or told him, that his first approach to me was
23 would I be available for employment to appeal the
24 case if and when he got convicted. That is the way
25 he opened up the conversation.

1 Q Did he raise the question -- what did he say about
2 Hanes?

3 A That there had been, that he was disappointed, there
4 had been some dissatisfaction on his part with Hanes,
5 and he didn't think Hanes was handling the case right
6 and Hanes wouldn't come to see him.

7 Q Did he give any specifics as to how Hanes was handling
8 the case that wasn't right?

9 A I don't recall. The derogatory things he said about
10 Hanes I would rather not repeat, but there was
11 bitterness between him and Hanes.

12 Q Did he tell you that Arthur Hanes had wanted to plead
13 him guilty?

14 A I don't know whether he did or not. I have a
15 recollection that he did. If I had to give an
16 impression, my impression is that that had been
17 Mr. Hanes' advice. As he said, he didn't want him to
18 take the stand because it would make him subject to
19 bringing out all his record of prior convictions and
20 would thereby make an ordinary jury more likely to
21 give him death than life, which is the truth. He
22 wanted to testify at that time. He changed his mind
23 later, but that was --

24 Q I am reading now from pages, from the bottom of page
25 335 and top of page 336 of "An American Death," by

1 Gerald Frank -- as a matter of fact, I will hand it
2 to you and ask you to read the underlined portion
3 beginning with the last paragraph on page 335, and
4 the top of page 336, and I would like to make that
5 an exhibit.

6
7 (Whereupon Plaintiff's Exhibit No. 5
8 was marked by the reporter, a copy of which is
9 attached hereto).

10
11 A This reinforces my belief that I might have picked up
12 that letter at my office, because it was November 8
13 that I was speaking at Baylor University in Waco.

14 Q (By Mr. Lesar) Do you want me to read it?

15 A "The telephone call came --"

16 Q Just start at the very bottom of the page where I
17 have got it underlined (indicating).

18 A You don't want those other two things?

19 Q No.

20 A All right.

21 "As Foreman described the meeting,
22 Ray told him that Hanes, Sr. wanted him to plead
23 guilty, but he did not want to do so; that Ray thought
24 Hanes was representing Huie rather than him," -- well,
25 I thought that.

1 Q You thought that?

2 A Yes.

3 Q Did you advise him that?

4 A Yes, I did, I goddamned sure did.

5 Q And he told you --

6 A What?

7 Q That statement is essentially correct?

8 A It probably is. I think Gerald Frank is a high
9 class man, and he wanted someone, as he put it -- I
10 think Huie is, too. He has got shortcomings, but he
11 is a good man who would be primarily interested in
12 money.

13 That could very easily have happened
14 just that way, and it probably did, because at the
15 time I was talking to Gerald Frank was very soon
16 after that trial, and he was --

17 Q Did you talk with him any time before the trial?

18 A Yes, I talked to him dozens of times. He tried to
19 write my life.

20 Q He tried to write your autobiography?

21 A Right.

22 Do you want me to read the next one?

23 Q I think that's all I have at the moment.

24 A You mean at this point in time?

25 GENERAL HAILLE: I would like to point

1 out for the record that when he referred to the part
2 of that in quotes, he said, the words "primarily
3 interested in money," were in quotation marks,
4 apparently referring to Ray's statements about himself.

5 A That is correct.

6 MR. LESAR: I would like to introduce
7 this as an exhibit.

8 THE WITNESS: The whole thing or just
9 that?

10 MR. LESAR: I want the whole thing in.

11 GENERAL HAILE: Chapter 30.

12 MR. LESAR: There are two chapters,
13 I believe, Chapter 30 and 31, as Plaintiff's Exhibit
14 No. 5.

15 Q (By Mr. Lesar) Now, you have stated that you told Ray
16 you thought Hanes was representing Huie rather than
17 him.

18 A Well, I didn't say it in that sense, as an accusation
19 against Hanes. I said, "It looks to me like the way
20 this whole damned thing has been handled is for the
21 benefit of the press instead of for the benefit of
22 you," and I had reference to the Look articles and the
23 interviews giving him a detailed story that any trial
24 lawyer is going to be stuck with. That is the way I
25 see it. It is not my -- it is not necessary for me

1 to condemn lawyers and I don't do it except in rare
2 instances. When I do, I do it good.

3 Q Did you advise Ray that these, that the contracts
4 between him and Hanes and Huie could be broken?

5 A I did not even know anything about those contracts
6 except that it was the basis for the money, what had
7 been published about it. I did not attempt to advise
8 him, I wasn't his lawyer. I was just there on that
9 first -- I wasn't going to be his lawyer unless,
10 first, the Judge would let me be, and, 'second, Hanes
11 would withdraw.

12 Hanes didn't have to withdraw. He
13 wanted to know if he wouldn't withdraw, and he said,
14 "Why can't I do it?" and I said, "You can," and he
15 wrote a letter firing him and I delivered the letter
16 to the sheriff and asked him to deliver it to Hanes.
17 Instead, the sheriff delivered it to the press.

18 But, it wasn't up to me to advise Ray
19 as to anything on that first thing, and he didn't ask
20 me to advise him about this contract. That is why I
21 wouldn't have anything to do with the contract, it
22 would have been a violation of all of the principles
23 I know anything about. It would look like I was
24 trying to throw him out to get my hands on Hanes'
25 fee, and I don't need to do that.

1 Q Did you notify Art Hanes before you went to see James
2 Earl Ray?

3 A No, I did not.

4 Q Did you attempt to?

5 A No, I did not. I did not know Mr. Hanes, I had never
6 heard of him until I saw his name in connection with
7 this thing, and I did not know what would come of it.
8 There might not anything come of it, and it would have
9 damaged his relations with his client. Before I come
10 into the case, I would have advised him and asked him
11 if it was all right, but, hell, I read in the paper
12 where he was glad to get out or willing to get out or
13 something, even before we got to court Tuesday. It
14 was in there Monday.

15 Q I believe you stated this morning that you had some
16 preliminary agreement with Ray as to what your fee
17 would be for taking the case.

18 A I did not. In the sense of fixing a fee, I did not.
19 We discussed it and I told him what I could get for
20 this case if I was being paid a fee, but I knew he
21 didn't have a fee, and I didn't expect --

22 Q What sum of money was discussed?

23 A One hundred and fifty thousand.

24 Q One hundred and fifty thousand?

25 A Yes, but I also told him I did not expect him to pay

1 or ever to pay this, and he said he was sure he would
2 be able to because he was going to get all this money
3 from all these movie rights, and so forth, and I told
4 him I didn't think he was going to get anything.

5 Q Did you have him sign over to you the rifle and the
6 Mustang?

7 A I think I did, but that wasn't because I wanted the
8 rifle and Mustang, it was because Renfrow Hayes was
9 threatening to attach it, he was suing Ray for three
10 or four thousand dollars.

11 Q This wasn't a retainer?

12 A No, it was an agreement that it would be applied,
13 whatever we got for it over and above the court costs--
14 in Tennessee you don't get a rifle back, and I didn't
15 know that. In Texas we do.

16 Q Did you consider that having him sign over the rifle
17 admitted to ownership of that rifle?

18 A He never denied ownership of the rifle.

19 Q Did he tell you he had owned it?

20 A He told me where he bought it.

21 Q Did he say it was his money?

22 A Well, he said, "I bought two rifles. I bought one
23 ahead of this that wasn't big enough for what I
24 wanted it for. It was too small a caliber --"

25 He told me Jerry was with him when he

1 bought that one, and he went back the next day -- he
2 didn't tell me Jerry was with him the next day when he
3 bought this rifle someplace down in Birmingham, that
4 he traded it for this rifle, told me what he paid for
5 it.

6 Yes, he told me where he got every dime
7 he spent. I asked him about every dime he spent, even
8 for gasoline.

9 Q Where did he get money for the rifle?

10 A Robbing somebody, where he got all his 'money.

11 Q Where did he get the money for the car?

12 A He claimed that was paid him for carrying stolen
13 merchandise, jewelry across the border.

14 Q Did you believe that?

15 A That somebody had promised to get him a paper -- yes--

16 I didn't know -- Ray would admit many lies wilfully.

17 He would tell me how he had made Hanes and Huie

18 believe things that he had written, and he thought it

19 was clever -- he told them about some robbery, some

20 facts he put in there as happening right recently that

21 had happened a year or longer before Dr. Martin Luther

22 King was killed, and, I don't remember, these just

23 have come to me.

24 Q Let me return to the question of the \$150,000 fee

25 which you advised him is what you would charge in an

1 equivalent case if the money were available.

2 A Yes.

3 Q That is your fee for a jury trial in a criminal case?

4 A It is my fee whether the man is even indicted or not,
5 if it is available. I mean by that, if he is able to
6 pay it, because you can do more to keep a man -- there
7 are ways to keep men from being indicted -- in at
8 least a third of the cases I have been employed in, I
9 have kept them from being indicted. I don't charge by
10 time. I charge for my ability, and the ability of
11 the man to pay. I don't keep timesheets. I have
12 charged a black man once, \$150,000 to represent him
13 who lived on a pension of \$70 because he had just been
14 paid that by the lady he worked for as a yard man, he
15 was 78 years old, and he said, "Yes, I can pay you,"
16 and I said, "How much can you pay me?" and he said,
17 "I can pay you \$10 a month," and that is the way he
18 paid me until he died, and that was about a year and
19 a half. There is no scale for me. I am as apt to be
20 working for nothing as for \$150,000.

21 Q Did your agreement to represent him include
22 representing him at a second trial in the event of a
23 mistrial or hung jury?

24 A It included all I could do for him the rest of his
25 life, as long as he was in the penitentiary, in some

1 case I represented him, or it included any time he
2 fired me he would still owe me \$150,000.

3 Q That would include attempting to get a pardon from
4 the Governor?

5 A Yes. I only do that for the people I represent. I
6 don't accept clemency matters other than --

7 Q Did you ever suggest you would do that for him?

8 A No, sir. I was only answering your question. There
9 wasn't any question in Ray's mind, and very little in
10 my mind, but that he could get out, as he said he
11 could, of any penitentiary in America in two years
12 unless he was in maximum security.

13 Q So your agreement to represent Ray and, I guess, any
14 other client in a criminal case, would include trial,
15 appeal, direct appeal, collateral attack, the whole
16 works?

17 A Yes. All the punishment he is supposed to receive for
18 whatever he has done is included in my fee.

19 Q I should have known you were going to get that line in
20 sooner or later.

21 Did you agree to associate with
22 private Tennessee counsel in the case?

23 A Yes, I agreed and had his authority to approach John
24 Hooker and did, and Judge Hooker or John Hooker
25 agreed to come into the case, to work with me at every

1 appearance, and if I wanted him to, to take the lead.

2 I go back and report to James Earl Ray --

3 Q When was this Hooker agreed to come in?

4 A Yes?

5 Q When?

6 A Very soon. I can't recall the time, but it was very
7 soon after I was in there.

8 Q Did Hooker ask for a fee for that?

9 A No. I told him what I was, what the situation was.

10 I told him he ought to be handling the 'case, anyhow,
11 that it was in his backyard, it wasn't in mine.

12 Q Did you think it would do him any good politically if
13 he had?

14 A Hooker is the same man I am, John Hooker is not a
15 politician, Jay is but John isn't, and I accepted --
16 it would have been an insult for me to say, "This
17 will do you good politically."

18 Q I gather that you have some prior association with the
19 Hooker law firm.

20 A Yes. I had never tried a case with him, but I had
21 seen -- some Texas boy had gotten in trouble in
22 Knoxville, and I don't know whether it was Nashville
23 or maybe Jackson, he represented him and got a fee
24 out of it. It was years ago, and once or twice he
25 had called me for some information. We were good

- 1 friends. That's all. Just good friends.
- 2 Q How long had this relationship been in existence?
- 3 A Twenty-five or thirty years.
- 4 Q In your Look Magazine article, which we have intro-
- 5 duced as Plaintiff's Exhibit No. 3, you state that
- 6 you spent over 40 hours talking with Ray. Is that
- 7 correct?
- 8 A I pulled that out of the wind. I didn't keep a record
- 9 of it, and I could be wrong by 50 percent. I don't
- 10 know.
- 11 Q So, it could be between 20 and 70 or 25 and 75,
- 12 something like that?
- 13 A It could be between 20 and 30. It could be between
- 14 20 and 70, yes.
- 15 Q Can you sort of break that down as to when you spent
- 16 the most time talking with him?
- 17 A No, I wouldn't know.
- 18 Q Would most of it have been in the fall or in the
- 19 spring?
- 20 A I wouldn't know.
- 21 Q You have no idea?
- 22 A No, I don't.
- 23 Q What were your reasons for wanting to associate
- 24 Hugh Stanton, Sr. in the defense?
- 25 A I didn't want to associate him. I told you that

1 a while ago. I didn't want him in there. I would
2 have rather not had him, although I think he is a fine
3 person and fills his job well and his son is a good
4 boy and a good lawyer. I didn't want anybody -- I
5 work alone usually. I would have wanted John Hooker
6 because I would have been more comfortable, happy,
7 just having somebody just for the friendship being
8 there with me.

9 Q Did you ask Ray whether he approved of Stanton's
10 appointment?

11 A Ray didn't have any more right to approve that than
12 I did. Preston Battle didn't say one thing one way or
13 the other.

14 Q Ray didn't say one thing?

15 A Not one way or the other, it wouldn't have done him
16 any good, or me either.

17 Q Jerry Lipson of the Chicago Daily News has quoted you
18 as saying that within 30 minutes after Stanton was
19 appointed co-counsel, he started talking about a
20 guilty plea.

21 Is that correct?

22 A No, that isn't correct, and I did not say that.

23 I said the first time that I talked
24 with Stanton he asked me how would I look at the
25 possibility of a negotiated plea with a waiver of the

1 death penalty and I told him that Phil Canallay is
2 too smart a man to even consider that, if he tried
3 this case and gets the death penalty, it could make
4 him Governor of Tennessee, and I don't believe there
5 is an attorney, a district attorney anywhere in
6 America that would turn down, with the amount of
7 evidence that they have got in this case and the
8 advantage he has got over the defense, the opportunity,
9 and he replied to me that he had never known Phil
10 Canallay to ask for the death penalty or to turn down
11 an opportunity to obtain a conviction, that he wasn't
12 a vicious man, that he wasn't bloodthirsty, and that
13 he wasn't the average gung ho fire and water -- this
14 was a long time -- I had been in the case -- he wasn't
15 appointed, as I recall, until some time in January,
16 and it wasn't very long before -- I had been in the
17 case since November -- I say, from what I now know
18 about the evidence and from the status of the case,
19 I would consider this one of the -- if I could save
20 this man's life, I would consider it a victory.
21 Now, that is what I said, and I say it was my first
22 conference with Hugh Stanton, but I did not say
23 within 30 minutes, but that is the way it occurred.
24 Q You had a conference with Stanton on December 18
25 after he was appointed co-counsel?

1 A Was it December 18 that he was appointed?

2 Q Yes.

3 A No, it wasn't at that time, it was when I came back
4 from Houston, and it was a month later.

5 Q It would have been after January 20?

6 A If that is the date I came back.

7 Q And that is when you first had your discussions with
8 him about a guilty plea?

9 A Yes, that is my best judgment, but, as I told you, I
10 can't under oath certify to what date anything
11 happened, but I remember just telling Hugh Stanton,
12 Sr. and Hugh Stanton, Jr. -- when I went back to
13 Texas for Christmas, Hugh Stanton took me to the
14 airport -- to interview any witnesses, do whatever,
15 just like it was his own case, and continue to work on
16 it as such.

17 Then, it was when I came back, in
18 January, that this conversation took place, I am
19 almost certain.

20 Q I believe you stated in your November 11, 1969
21 deposition, that you negotiated the guilty plea
22 directly with Judge Battle.

23 Is that true?

24 A No, I wouldn't say negotiated the guilty plea. I
25 talked with Judge Battle about it before I talked with

1 the District Attorney because I knew it would take a
2 lot of work in working it out with the District
3 Attorney, it would take two or three weeks, and I
4 didn't want to waste that time, it was too precious,
5 if Judge Battle had the same opinion as the Judge had
6 in the Sirhan Sirhan case. The same plea of guilty
7 and waiver had been worked out by the attorney for the
8 defense and the prosecuting attorney in Los Angeles,
9 and when they presented it to the Judge he refused to
10 accept it.

11 So, I asked the Judge if he had any
12 conpxutions about such pleas, and if he would refuse
13 to accept it, because I didn't want to waste my time
14 on talking with the District Attorney if he was going
15 to be like the Judge was out there, and he assured me
16 that he would not treat this case any differently than
17 he would any other, and that he didn't -- he had never
18 refused to accept the prosecuting attorney's
19 recommendations.

20 If you call that negotiating with him,
21 that was negotiating, but that was the extent of it.
22 That is all I asked.

23 I did not say, "We will plead guilty
24 if you will do so and so." That was not his purpose
25 or prerogative.

1 Q When did you meet with Judge Battle?

2 A I don't know the date, but I know the hour. It was
3 around 8:30 in the morning. I was waiting for him
4 when he came in.

5 Q This would have been in February or January, December?

6 A I can estimate the time, but not with any more
7 exactness than probably the month.

8 I will have to go back to our letters--
9 my best judgment, I can only say it would have been
10 within the first ten days in February.'

11 Q How many times did you meet with him?

12 A Oh, I met with him many times, but only one in this
13 connection.

14 Q On the guilty plea?

15 A Yes.

16 Q Only one?

17 A Yes. The other times -- everything I asked the
18 sheriff to do, I had to wait for the sheriff to go
19 see about little things that normally would be in a
20 sheriff's province, in most cases, but in this case
21 the sheriff would always go ask Judge Battle, and
22 tell me, "That is up to Judge Battle," things like
23 the lights or the television or the making of
24 pictures.

25 Q I would like to show you your testimony from the

1 November 11, 1969, deposition and have you read the
2 first paragraph on page 16.

3 A All right.

4 "No, sir, that is not correct. I
5 never made an agreement with the State of Tennessee
6 subject to the approval of Judge Battle. All the
7 agreements I made with the State of Tennessee were
8 made with Judge Battle. I didn't talk with the
9 prosecution about a plea. Judge Battle was running
10 this lawsuit.

11 "On what date did Judge Battle and
12 you get together concerning a plea --"

13 Q That's all I wanted.

14 A That is probably correctly written at the time.

15 Q You stand by that?

16 A I stand by what I told you, it wasn't the negotiation
17 of any plea. It was simply to ask him would he
18 approve it or would I be wasting my time if I did.

19 Q What did you mean by saying that Judge Battle was
20 running this lawsuit?

21 GENERAL HAILE: I think it explains
22 that in the next answer. I think it ought to be
23 included, that next answer.

24 MR. LESAR: I am going to submit the
25 whole thing as an exhibit.

1 GENERAL HAILE: Let's read that in
2 the record right now, because there is an implication--
3 A "It wasn't a matter of getting together. I simply told
4 Judge Battle what I decided was proper and what I
5 would like to do and what I thought my client would
6 like to do, and I was attempting to find out whether
7 or not he would do what the Judge did in the Sirhan
8 case, queer the deal, in case I was able to
9 negotiate a plea with the District Attorney. I wasn't
10 going --" I did not say "through." I think I said
11 "to the District Attorney and a lot of work there
12 and then come to see the Judge because the Judge in
13 California had already indicated that he would not
14 approve such a disposition of the Sirhan case."

15 The Sirhan case was going on at the
16 same time. I was getting ready to try this case.

17 Q Do I understand you correctly that you are stating
18 that this deposition, the transcript, as it is now
19 written, is incorrect in the use of the word "through"?

20 A I think so. I think it was "to," that I said, but I
21 would not be able -- I don't think it would be proper
22 language, rhetoric, to use "through" in that sense.

23 GENERAL HAILE: It is hard to see how
24 it makes any difference.

25 (Whereupon the deposition was in

1 recess from 2:10 p.m. until 2:15 p.m. of the same
2 day, at which time the following occurred, to-wit:)

3 MR. LESAR: I believe I was going
4 to introduce this as an exhibit when we left off.
5 It is the previous deposition.

6
7 (Whereupon Plaintiff's Exhibit No. 6
8 was marked by the reporter for identification, a cop^y
9 of which is hereto attached).

10
11 Q (By Mr. Lesar) I want to show you page 345 of
12 Gerald Frank's "An American Death" which has been
13 introduced as Exhibit No. 5.

14 I have underlined some statements fr^m
15 page 345 of the Frank book which indicate that Hugh
16 Stanton spoke with Attorney General Canallay on
17 December 18, and there is a direct quote down here,
18 "Foreman wants to know if you'll offer Ray the
19 possibility of his taking a guilty plea. If you do,
20 Foreman will present the idea to Ray."

21 Is that correct?

22 A I don't think the date is. I don't see where you
23 get the date that you referred to, December 18.

24 Q December 18 is up at the very top of the page here
25 (indicating).

1 GENERAL HAILE: Let me make an
2 objection. I know we haven't usually been objecting
3 to this, but nowhere does it say there that Mr.
4 Foreman was there. He has testified that he thought
5 it was a few days later than that, and I just wonder
6 what the purpose of that is. It is double or triple
7 hearsay. They are talking about how Canallay doodling
8 on a pad, they are talking about how Mr. Stanton, Sr.
9 went to see him -- I just wonder if you would state
10 the purpose for which you are referring to this
11 information, if it is information.

12 MR. LESAR: Mr. Foreman gave me one
13 date, and I was aware that another date had been
14 given to a writer who has made an exhaustive
15 investigation, and I wanted to see if Mr. Foreman was
16 disputing the factual statements of an author he
17 recently described as a very high class author.

18 A I don't agree that he had made any investigation at
19 all. All I know is that I talked to him and
20 dictated for an hour or an hour and a half, and I
21 consider him a high class man.

22 Also, I did agree that this date,
23 December 18, considering the intervening date of
24 December 12 and all of the other, that it necessarily
25 can't be interpreted that this statement attributed

1 by Stanton to me refers to December 18.

2 I had authorized Hugh Stanton, Sr. to
3 inquire if this could be done before I talked to Ray
4 about it, but it is not my recollection that it
5 occurred in December, on December 18, or even that I
6 was in Tennessee on December 18, but to the contrary,
7 I don't think I was, and I had authorized both
8 Stantons to proceed in the case just as though it were
9 their own and not to stop to ask me about anything,
10 to use their judgment, but I don't think that happened
11 until, in my recollection, in January because I know
12 I was still working on investigating the case with
13 the idea of contesting the case all the month of
14 December and practically all of January, so I
15 wouldn't agree -- I would agree that my having
16 authorized Stanton, is correct, but I will not agree
17 that it was in December.

18 Q When you authorized Stanton to negotiate the plea of
19 guilty, did you advise James Earl Ray that you had
20 done this?

21 A No. At that time I did not want James Earl Ray to
22 lose confidence in me, the same way he had with Art
23 Hanes, and he would have without any more -- I wasn't
24 going to start up to doing something that I couldn't
25 back up, he would just think I was getting cold feet

1 and didn't want to represent him anymore, he wouldn't
2 have understood at that time that I was doing this in
3 his best interest.

4 I took several hours explaining this
5 to Ray.

6 Q Approximately when was the first time you told Ray
7 about the guilty plea negotiations?

8 A It was as soon as I knew it could be done, and I don't
9 remember when that was except, like I said, it was
10 the latter part of January, first of February. That
11 is the best I can answer.

12 Q I have here a clipping from the Chicago Daily News
13 dated December 28, 1973, in which the question was
14 raised as to whether or not Ray had given you certain
15 telephone numbers to investigate, and you state here,
16 or it is reported that you stated that the only
17 telephone numbers you knew of came from a writer who
18 interviewed a man who accompanied Ray on a trip from
19 Los Angeles to New Orleans.

20 A I told him I thought that was where that came from, a
21 man named Lomax. I am not certain that is where it
22 came from. It came from this great abundance -- it
23 may have come from William Bradford Huie. I had two
24 numbers that came to me, and because of the great
25 detail that Lomax used in his investigation,

1 carefulness, he had checked out the phone calls at
2 every filling station from Los Angeles to New Orleans,
3 including the numbers, and that may be where I got
4 the idea these New Orleans numbers came in, but all
5 they were were numbers where he was supposed to meet
6 this man riding with him -- they stayed overnight
7 and then came back -- I think they came down to get
8 the Stein children.

9 Q I believe you said he didn't give you any numbers
10 from the Baton Rouge area.

11 A Hell -- no, sir.

12 Q Ray didn't give you any from New Orleans?

13 A No. Ray didn't give me any New Orleans numbers.

14 The only New Orleans numbers I got -- I was questioning
15 Ray about it, and Ray told me what they were, that
16 they were numbers where he was supposed to meet this
17 man that --

18 Q Now, you stated in this article, it says, that one
19 number was a number for a bar and the other was a
20 disconnected number to an apartment.

21 A Yes, that's right.

22 Q How did you determine that?

23 A With the telephone company.

24 Q They gave you that information?

25 A Uh-huh.

1 Q What telephone company was that?

2 A There isn't but one there, Southern Bell.

3 Q You didn't have any further investigation relating to
4 those numbers?

5 A I didn't need anymore. Ray told me what they were.

6 Q What did he say about the disconnected number?

7 A He didn't know except that is where the man would be
8 if he wasn't at the bar.

9 Q Did you make any investigation about that number?

10 A I tried to find that person, tried to find the
11 original application for service so as to get any
12 reference, and I couldn't find that. They didn't
13 have it. I don't remember -- I don't know whether I
14 was shown -- I know I was shown one original
15 application for service, but I wasn't shown the other
16 one, they didn't have it. The people had moved, left
17 no address. They weren't listed in the city
18 directory, and the people who lived at the place where
19 that phone had originally been installed didn't know
20 them.

21 Q So, when you found out it was a disconnected number
22 you dropped the investigation?

23 A I did go after it as far as I could.

24 GENERAL HAILE: That isn't what he
25 said. He said when he found out it was disconnected-

1 MR. LESAR: Pardon?

2 GENERAL HAILE: Didn't you understand
3 that when he found out it was disconnected he got the
4 application for service and looked in the city
5 directory and checked it back?

6 Q (By Mr. Lesar) Did you determine the location of the
7 residence?

8 A Yes, I had the location, a cheap apartment, it looked
9 like it would rent for about \$40 a month.

10 Q Did you check the city directory to see who had lived
11 in it?

12 A I just said I did.

13 I also checked the name of the people
14 given as references when they got the phone in the
15 first place, and they weren't available anymore and
16 didn't have a phone.

17 Q But you got their names and so forth?

18 A Yes.

19 GENERAL HAILE: Why don't you ask him
20 whether he went down there and did that personally?

21 A I did.

22 Q (By Mr. Lesar) You went to New Orleans to make that
23 investigation?

24 A Not to make that investigation, but I was in New
25 Orleans and I did make the investigation. That was

1 one thing I did do in New Orleans, I went there to
2 argue a case in the Fifth Circuit Court of Appeals.

3 Q You went to that address?

4 A Yes. I did everything I could.

5 Q What part of town is it in?

6 A I don't know what part of town it's in. It's not in
7 the French Quarter. It's on the other side of the
8 French Quarter in a very poor neighborhood.

9 Q Carondelet, would that be the street?

10 A No.

11 Q I believe you have stated that you did not carry any
12 questions or answers, questions from Huie in to James
13 Earl Ray before you signed the amendatory agreement
14 on January 29. Is that correct?

15 A If I did, it wasn't before January 25, but, no, I did
16 not until -- I hadn't called him at all.

17 Q After that date did you carry questions and answers
18 from Huie in to Ray?

19 A Yes, right.

20 Q Did you read them before you transmitted them to Ray?

21 A Yes, I read -- I am sure I did read them. It was all
22 open, open paper. There wasn't anything to keep me
23 from it.

24 Q Now, Huie could only correspond with Ray through
25 you as his attorney. Is that correct?

1 A Yes. The Judge wouldn't let him see him.

2 I tried to get permission for him to.

3 I think I filed a motion for that, and the Court
4 wouldn't let him.

5 Q I'm showing you an exhibit, which is Exhibit 47-B in
6 the petition for habeas corpus, and which is a letter
7 from William Bradford Huie to James Earl Ray dated
8 February 11, 1969, and I would like to know whether or
9 not you transmitted this letter.

10 A I wouldn't know whether I did or not, but I will read
11 the letter.

12 GENERAL HAILE: You know, Mr. Lesar,
13 unlike most of Mr. Huie's letters that are attached
14 to the petition, that letter is not on his letterhead,
15 and unless Mr. Foreman has some independent
16 recollection of it, I don't think it would be proper
17 to put it into evidence.

18 A I can tell you already, I have no recollection of
19 ever seeing it.

20 GENERAL HAILE: It is also not
21 signed. It looks like it has been retyped. I don't
22 know where you got it, but -- why don't you go on to
23 something germane?

24 Q (By Mr. Lesar) You don't recall having seen that
25 letter?

1 A I do not. In fact, I don't remember taking any
2 letters at all to this man.

3 Q But is there any way that he could have received mail
4 other than through you?

5 A As I said, I was always given a big batch of material
6 when I would come, most of it nothing. I didn't
7 read it. I would take it in and give it to him.

8 Now, I don't know what any of the
9 letters were, to that extent. If I had anything to
10 do with the delivery of this, it was by the deputy
11 right outside his cell handing it to me as I went in.
12 They didn't open the material. At least, I don't
13 think they did.

14 Furthermore, if I had known anything
15 about this letter, and I am talking about a life
16 sentence that would have been the most impossible
17 thing I could have done, I would have protested
18 vehemently about it. I wouldn't have taken it if it
19 had been delivered to me anyplace that I knew about.

20 Q You would have not transmitted that to your client?

21 A I would have sent it back to -- if it comes from
22 Mr. Huie, I would have given it back to him because
23 he is making work here for me that I couldn't do.
24 There was no way to get a life sentence there, and
25 that is what he was saying. I would have just told

1 told him to tend to his own damn book and let me run
2 my case.

3 Q All right. I will take that back.

4 A I have never seen that at any time anywhere and never
5 heard of it until just then.

6 Q I am showing you a photograph, and I want to ask you,
7 it is identified as 11-C in the petition for habeas
8 corpus.

9 Have you ever seen that photograph or
10 a similar photograph before?

11 A Isn't this Dallas, and weren't these people that are
12 supposed to have been connected with the killing of
13 one of the Kennedy boys?

14 Q President Kennedy.

15 A Yes.

16 Q The photograph was taken at Dealy Plaza, November 2,
17 1963.

18 A I haven't seen this clear a picture, but I have
19 seen this identical, a very poor reproduction, it
20 looked to me like a Xerox picture of this picture.

21 Q Did you show that to James Earl Ray?

22 A Yes, I did.

23 MR. LESAR: I would like to introduce
24 that into evidence.

25 Why don't we just introduce that

1 series?

2 GENERAL HAILE: Why not introduce one
3 at a time until we identify the others?

4 A I wouldn't have known that that was a picture if I
5 hadn't known the Dallas police uniforms, because the
6 one I showed him was, he couldn't have recognized it,
7 the picture itself wouldn't be recognizable to me
8 except they told me what this was, a Zerox picture of
9 a picture.

10 Q (By Mr. Lesar) Who told you what they're?

11 A I don't know. I believe it was Huie.

12 Q Huie gave you the photograph?

13 A He must have. I don't recall where I could have
14 gotten them, otherwise.

15 Q Did Huie ask you to show it to Ray?

16 A That would be the only reason for him giving it to me.

17 I have no recollection of him giving
18 it to me. I just remember showing that picture to
19 Ray. I didn't know where it came from.

20 Q Do you recall what date you showed this to him?

21 A I haven't the slightest idea.

22 Q Well --

23 A I couldn't tell you whether it was in November or
24 December, January or February or March.

25 Q You couldn't say whether it was before or after you

1 decided on the guilty plea?

2 A No, I could not. I know that the purpose of showing
3 this was to try to pick out Raoul, and that is when
4 Ray told me he invented Raoul for Huie and Arthur
5 Hanes. He said there wasn't any Raoul.

6 Q Huie wanted him to pick out Raoul?

7 A My purpose in handing it to him, my purpose in showing
8 it to him was to see if he could pick out Raoul from
9 this Xerox reproduction.

10 Q Why did you want to see if he could do that? Was
11 this something you were planning to use at trial?

12 A I haven't any idea -- I don't know whether I handed it
13 to him -- I do know that was the reason for giving it
14 to him, and I know that is when he bragged about the
15 fool he was making out of Hanes and Huie, and I asked
16 him if he thought he had a right to, that they could
17 write it any way they wanted to. They didn't need to
18 stick to the truth. He didn't either.

19

20 (Whereupon Plaintiff's Exhibit No. 7
21 was marked by the reporter, a copy of which is
22 attached hereto).

23

24 A Now, along in the last of January, early February I
25 would say that thing had to have been presented some

1 time before then. I quit trying to chase butterflies.

2 Q You submitted --

3 A When I say I showed that to him, I remember seeing
4 that in his cell -- he may have shown that to me -- it
5 may have been something that came in his mail. I don't
6 know where it came from.

7 Q Now, this morning General Haile introduced as an
8 exhibit a letter from James Earl Ray to you dated
9 February 13, 1969, and in it you state, "In my opinion
10 there is little more than 99 percent chance of your
11 receiving a death penalty verdict if your case goes
12 to trial."

13 How recently had any person been
14 executed in the State of Tennessee?

15 A It had been three years, but there had been several
16 death penalties assessed during that period of time.
17 There were 13 people in the penitentiary at the time,
18 all of which he very well knew, and which the two of
19 us discussed.

20 Q Who was Governor at the time?

21 A Ellington.

22 Q Was it Governor Ellington's policy to commute death
23 sentences to a 99-year term?

24 A I wouldn't have bet on it in this case.

25 It would have taken a very brave or

1 stupid politician to have commuted this and thereby
2 lost the very large percentage of black votes of the
3 State of Tennessee.

4 Q This letter is on your letterhead and was typed by
5 you, was typed in your office in Houston?

6 A No, typed in my office in Memphis.

7 Q You rented a typewriter while you were there?

8 A Oh, yes. I had a complete service there. I had a
9 secretary. I had a full -- except for the law books,
10 I had as good and as active an office as I have in
11 Houston. I slept in it, but that's the only
12 difference.

13 Q If we wanted to verify this, who would we go see about
14 the typewriter?

15 A I had a safe in there, a great big one I rented from
16 the same people. It's the biggest place there.
17 Their office is right across the street from the
18 Peabody Hotel, not from the front but from the side
19 where the coffee shop is. If you will get me a
20 telephone directly for Memphis, I can pick it out for
21 you. The biggest place I rented it from.

22 Q Rented typewriters and other office equipment?

23 A And a safe, yes.

24 Q When did you take this letter to James Earl Ray?

25 A It was soon or immediately after that date.

1 Q The same day?

2 A I don't know, sir. I couldn't tell you that any more
3 than I could any of the other answers. If I knew, I
4 would be a computer. I wouldn't be a lawyer.

5 Q Did you return to Houston after this or not?

6 A I must have. I'm not in Memphis.

7 Q You are sure you are not in Memphis in that period?

8 A I said I'm not.

9 Q Not now, but, say, from February 13 to February 18,
10 where were you?

11 A I am fairly sure I was in Memphis.

12 Q All that time?

13 A Yes.

14 Q All right.

15 A But I am not positive. I know I wouldn't have gone
16 and come back in five days. I don't know what the
17 13th was. If it was a Friday, a weekend, I might have.

18 Q Were you busy with the Singleton case during that
19 period of time?

20 A I don't know.

21 Q Do you recall Mrs. Singleton?

22 A Yes.

23 A very charming lady, and all the rest
24 of the questions you are fixing to ask me are damned
25 lies and never were testified to under oath by anybody

1 and were invented by a man I helped get suspended from
2 the practice of law.

3 Q There was a suit against you on the basis of her
4 complaint?

5 A No, it was a cross action on the basis of my complaint.

6 GENERAL HAILE: This is utterly
7 irrelevant, but he can answer if he wants to.

8 A I won't answer any questions with reference to that,
9 but I will be glad to give you a complete history of
10 it personally after this thing is over!

11 Q (By Mr. Lesar) In a deposition that was taken in that
12 case you testified that you had developed --

13 GENERAL HAILE: I object to anything
14 about the Singleton case.

15 MR. LESAR: On what grounds?

16 GENERAL HAILE: On the grounds that
17 it is utterly immaterial.

18 MR. LESAR: How do you know when I
19 haven't raised the issue yet?

20 GENERAL HAILE: Tell us how anything
21 about the Singleton case is relevant to the James
22 Earl Ray guilty plea.

23 MR. LESAR: It was going on at the
24 same time, wasn't it?

25 GENERAL HAILE: I don't know.

1 MR. LESAR: He has testified as to
2 what he did during this period of time.

3 GENERAL HAILE: Show us how it is
4 relevant.

5 A I did no work on the Singleton case in Florida until
6 this thing was over. Mr. Jimmy -- the largest, most
7 prestigious law firm in Tennessee was handling the
8 Tennessee end of the case. I selected them, I had
9 worked with them before --

10 Q (By Mr. Lesar) You did not have any meetings --

11 GENERAL HAILE: Let him answer. You
12 have asked, now let him answer.

13 A I don't recall -- really, I don't recall. I would
14 have to check with them. They do keep the kind of
15 records you are talking about, but I can't answer
16 those questions.

17 Q (By Mr. Lesar) Did you meet with her in Memphis
18 during this period?

19 A I met with her one Friday evening. She took me to
20 the airport, came in about 5:00 from -- I talked with
21 her from then until the 10 o'clock flight, I think it
22 was, that evening, and she was still there the
23 following Monday and I talked with her then for a
24 couple of hours before going down to the Shelby
25 County jail, and that is, as I recall, the extent of

1 my discussing with her. I did, over the weekend in
2 Houston, assemble several petitions similar to the
3 ones I would use, and I had a professional secretary
4 in Memphis draw up the petition from these. I did not
5 dictate it, I just outlined what I wanted in it, and
6 that is all I did on the Singleton case in Memphis.

7 Q In your deposition, which is a deposition that was
8 taken on June 16, 1969, in Geneva Ann Singleton
9 versus Henry Charles Singleton, No. 176,010, Circuit--

10 A I know the case.

11 Q In the State of Florida, County of Hillsborough, you
12 testified that you had developed a defense mechanism
13 in dealing with clients and you advise them that you
14 are abrupt and brusque or pre-emptory and that you
15 frequently scold your clients rather than take time
16 to explain anything to them.

17 A That applies to clients in divorce cases.

18 Q In divorce cases only?

19 A I think so.

20 Q Do you recall that is what you testified in this
21 deposition?

22 A I don't know what I testified to. I will be glad to
23 read it and tell you whether I testified to it or
24 not, to the best of my ability.

25 Q Did you advise James Earl Ray that you were brusque

1 and pre-emptory?

2 A I wasn't that way with James Earl Ray. I have never
3 been that way with anybody, not a trapped man if they
4 are in jail. I have nothing but sympathy and kindness
5 for such persons.

6 Q You did not raise your voice or shout at him?

7 A I don't recall ever having done so, and I am certain
8 I did not.

9 Q I will show you page 27 from the Singleton deposition
10 that I have referred to --

11 GENERAL HAILE: Why don't you just
12 show us the whole thing.

13 MR. LESAR: I would like to submit
14 the entire deposition as an exhibit.

15 GENERAL HAILE: No, sir, the entire
16 deposition has no relevancy at all unless you want
17 to show page by page how the Singleton deposition is
18 relevant. If you want to talk about the Ray case,
19 that's fine.

20 On page 27 there is something about
21 the Ray case.

22 MR. LESAR: I will ask that page 27 --

23 GENERAL HAILE: Why don't you see if
24 he can identify it first?

25 Q (By Mr. Lesar) Will you identify that as your

1 testimony?

2 GENERAL HAILE: That is hearsay,
3 Mr. Lesar.

4 MR. LESAR: Not if he identifies it
5 as his deposition.

6 A I don't recall that.

7 I do recall a deposition being taken,
8 and I believe that Mr. LaPorte was at that time
9 associated with the lawyer I referred to as my mortal
10 enemy, the one that was involved in the litigation,
11 but I do not recall these words.

12 I don't know what this has reference
13 to, and I don't know what at the time it would mean,
14 I don't know what time it refers to.

15 Q (By Mr. Lesar) It refers to February 10, I believe,
16 that period, that week.

17 A I know that I was still working on the Ray case on
18 the Friday she came over, phoned me from Jackson,
19 Tennessee for an appointment, she was going from
20 Tennessee to Tulsa to find a former client who had
21 told her she was a friend of mine, to get that former
22 client to see if I would see her, and she called my
23 office and they gave her my Memphis number, and I know
24 I called Jimmy Thompson in this firm in Tennessee and
25 he agreed to work with me in the case, and I know I

1 was back in court the following Monday, and I don't
2 recall -- I recall the deposition, but I don't recall
3 the words, the testimony.

4 I cannot certify that it is correct,

5 Q Would you turn to pages 20 and 21 of that deposition.

6 Would you read starting with --

7 GENERAL HAILE: I object to the
8 reading of it unless he can identify it as his
9 statement.

10
11 (Whereupon Plaintiff's Exhibits Nos.
12 8 and 9 were marked by the reporter, copies of which
13 are attached hereto).

14
15 MR. LESAR: I suggest it be admitted.
16 I would like it admitted.

17 GENERAL HAILE: On what basis? It is
18 the rankest hearsay.

19 MR. LESAR: It is a sworn deposition.

20 GENERAL HAILE: Get somebody up here
21 to swear to it.

22 MR. LESAR: You can let the Judge
23 determine whether it is admissible. We will submit it
24 as an exhibit.

25 A Is it signed -- I don't know -- it's not signed by me,

1 and I don't know -- I don't recall ever having seen
2 it before, and I don't recollect that particular
3 testimony.

4 GENERAL HAILE: It is not signed, it
5 is not certified.

6 A It is a photostatic copy of something.

7 Q (By Mr. Lesar) Are you stating that you did not give
8 this deposition?

9 A I am simply telling you I do not identify it, I do not
10 recall it. I do not recall ever having seen it. I
11 do not recall saying those words.

12 No, sir, I am not saying that I did
13 not. I just don't recollect it.

14 Q Would you look at the bottom of page 26 and see if
15 you can identify that as your testimony?

16
17 (Whereupon Plaintiff's Exhibit No. 10
18 was marked by the reporter, a copy of which is
19 attached hereto).

20
21 A I have read it.

22 What is it you want to know?

23 Q (By Mr. Lesar) I want to know whether you can
24 identify that as your testimony, the paragraph at the
25 bottom of page 26 relating to the number of hours

1 which you spent with Mrs. Singleton and talking with
2 her.

3 A No, I can't recall it. I do not recognize the
4 deposition, if it be one, as mine. I do not recall
5 ever having seen it before, and I did not sign it --
6 at least it doesn't appear to have been signed -- it
7 doesn't even appear to be a deposition. It just
8 appears to be a photocopy.

9 Q Defendant's Exhibit No. 2 is a letter from James Earl
10 Ray to you dated February 18, 1969.

11 I show it to you so that you can be
12 refreshed.

13 A All right.

14 Q Did James Earl Ray write that letter or did you write
15 it for his signature?

16 A I wrote it by agreement with him and told him what I
17 was going to put in it, and he knew it would be there,
18 and I told him why I needed it if I was going to do
19 what he had asked me to do, and he, after writing it
20 and taking it to him, he signed it.

21 Q You gave it to him on the date of the letter?

22 A I assume I did. I have no distinct recollection of
23 it not being the same day.

24 Q You did not give it to him before the date of the
25 letter?

- 1 A No.
- 2 Q And the next day you went to St. Louis, didn't you?
- 3 A I had talked with him --
- 4 Q You had talked with him on the 18th?
- 5 A I had talked with him before the 18th about preparing
- 6 the letter, and he had agreed to sign it.
- 7 Q And the following day you left St. Louis?
- 8 A I don't know. I have no way of knowing.
- 9 Q What was the date of your trip to see Ray's family?
- 10 A I have no idea.
- 11 Q Do you recall when it was in relation to that letter?
- 12 A No.
- 13 Q How long it was?
- 14 A No.
- 15 Q It was after the date of that letter?
- 16 A I don't know.
- 17 Q You don't know whether it was after the date of that
- 18 letter?
- 19 A I do not.
- 20 Q What was the purpose of your visit to the Ray family?
- 21 A Because I had been originally employed or brought
- 22 into the case by the two boys, and I wanted to clear
- 23 the plea, if there was going to be a plea, with them,
- 24 and I wanted everybody in the family to approve it
- 25 so nobody could criticize me. This is my custom.

1 Usually there is a fee and usually the family has
2 paid it, and anybody that has contributed anything at
3 all to the fee, I want them to know of any such
4 agreement or disposition because they are as much my
5 clients as the Defendant himself.

6 Q You went to the home of Carol Pepper to do this?

7 A Yes. I phoned first and, I don't know, I talked to
8 either John or Jerry and they suggested Carol Pepper's
9 home as a place for me to meet.

10 Q Who was present?

11 A Sir?

12 Q Who was present at that meeting?

13 A The father of James Earl Ray, I have forgotten his
14 name, and Carol Pepper, and John and Jerry and Carol
15 Pepper's husband came in later, and that, I believe,
16 is all and myself.

17 Q What did you tell them about the case? Can you sort
18 of summarize it for me?

19 A I told them the facts as I understood them to be from
20 available testimony for the prosecution, and coupled
21 with the evidence, long premeditation as evidenced by
22 the man coming from halfway across -- all the way
23 across the continent to commit the murder, that it was
24 a very, very bad murder case, first degree, and I told
25 them what the three penalties were, and that James

1 Earl Ray and I had discussed it, and he had agreed
2 that it was the best thing to do, and that I wanted
3 their okay because I did not want any criticism from
4 any of them after it was over -- my reputation among
5 thugs and thieves is worth more than it is among
6 chambers of commerce -- I knew both of them would be
7 in the penitentiary some time soon, and I didn't want
8 them cussing me because I am apt to get business from
9 any penitentiary in the country.

10 Q Did you read any statement to them? /

11 A I don't know. I probably read the copy of that letter
12 if it was afterwards. It would have been the logical
13 thing to have done.

14 Q To read a copy?

15 A It may have been his request to me, that would be
16 logical.

17 Q Of February 18?

18 A If it was as late as February 19, yes, it is almost
19 inevitable that I would have taken both of these
20 letters.

21 Q And that would have been a typewritten copy of that
22 letter typed as it is now typed?

23 A I wouldn't know.

24 Q Did he write it out in longhand first?

25 A No, sir. I had no notes from him to write this

1 letter, only my agreement, and I wanted this after
2 the District Attorney questioned my right to speak for
3 him, I wanted to be able to show him that.

4 Q Did you use any graphic terms to describe what you
5 perceived Ray's situation to be?

6 A I do not know.

7 I know that you have alleged that I
8 used the word "barbecue."

9 That is a colloquialism here in Texas
10 for the electric chair, and it is possible that I may
11 have, but I have no recollection of it.

12 Q Did you ever say that he was going to fry like a
13 southern chicken?

14 A No. I don't think I would liken a southern chicken
15 to James Earl Ray.

16 Q I am showing you page 351 of "An American Death,"
17 which has been introduced as Plaintiff's Exhibit No. 5
18 and I would like you to read --

19 A All right.

20 Q -- this underlined passage here.

21 A Do you want me to read it aloud?

22 Q Yes.

23 A Page 351 -- "Foreman exploded. 'Let me tell you,
24 Jim, you go to trial and they'll burn your ass!
25 They'll barbecue you!' He had harsh words for some of

1 Ray's guards. 'Don't let those jailhouse lawyers piss
2 in your ear --' I didn't say that '---about how you
3 saved the white race by killing King. I know what
4 they're telling you - that the worst you'll get is a
5 \$2 fine for shooting a coon out of season. Don't
6 you believe it. The jury will make an example out of
7 you. You'll fry, boy!'"

8 This is colorful, entertaining lines.
9 It is poetic license, just like the other language of
10 Hueie was, and this is my good friend Gerald Frank's
11 engaging in poetic license here.

12 I am not adverse to using profanity,
13 but not this.

14 I never used the expression "piss in
15 your ear" at all.

16 I do recall telling him not to pay any
17 attention to the legal opinions of the deputy
18 sheriffs, but I never referred to them as jailhouse
19 lawyers, and I never said anything about a \$2 fine
20 for shooting a coon.

21 That is colorful language brought in
22 to make people remember what he wrote.

23 I did emphasize that I thought he
24 would be executed if convicted, and I still think he
25 would have been up to June of 1972 when the Supreme

1 Court ruled the death penalty illegal.

2 In other words, the general sense of
3 everything that is there, Gerald Frank had a right to
4 do, but he dressed it up in his language, and it is
5 not my language -- it is not even his language, he
6 dressed it up in language that he thought his readers
7 would enjoy.

8 GENERAL HAILE: I might state for the
9 record that it is not Gerald Frank's record, it is
10 from a previous one of April 15 by William Bradford
11 Huie, his article in Look Magazine. It is not
12 attributed to you at that point. I suppose the
13 inference is there, but I suppose the Court can see
14 that.

15 A Well, Huey Long -- I mean William Bradford Huie by
16 way of Gerald Frank.

17 Q (By Mr. Lesar) Turn to page 356 of "An American
18 Death."

19 Would you read this first underscored
20 four sentences there?

21 A Yes.

22 Q Would you read it aloud?

23 A "On Friday, February 21, the die was cast.

24 "Foreman called Canallay from Houston
25 to say he had obtained a signed statement from Ray

1 asking to be allowed to plead guilty.

2 "Is this a definite commitment?"

3 Canallay asked.

4 "Yes, he's agreed," Foreman said.

5 He added that he had gone to St. Louis the day before,
6 ostensibly to prosecute a lawsuit, but he had secretly
7 visited Ray's sister, Mrs. Carol Pepper. At his
8 request she had set up a family conference with John
9 and Jerry Ray, and their father, Jerry Rayns--"

10 Q (By Mr. Lesar) That is sufficient. /

11 A I won't say that I did not call Canallay from Houston,
12 but I have no recollection of ever having called Phil
13 Canallay from Houston, and I, furthermore, don't
14 believe that I said anything to Mr. Canallay about
15 this plea until I had first talked with James Beasley,
16 and perhaps Carlisle, and I had difficulty getting
17 Mr. Canallay, I forget what it was, it was something
18 to do with the Catholic Church, of which he is a
19 devoted member, and, I don't know, it would have been--
20 if I have got something as important as this to do,
21 I wouldn't do it over the phone.

22 Q But, is my understanding correct, you are not denying
23 that you did it?

24 A I have no recollection of doing it, and I don't
25 believe I did it, and I know Phil -- I didn't tell

1 him I had gone to St. Louis to prosecute a lawsuit,
2 I went to St. Louis to see the Rays and they knew I
3 was coming, and I did make some phone calls from my
4 hotel there, several of them to Jefferson City. I
5 recall that.

6 The rest of it, I think he is taking
7 a little liberty.

8 Q I would like to show you a letter dated November 23,
9 1968, which I would like to introduce as an exhibit,
10 which purports to be a letter from you/to Judge
11 Preston W. Battle.

12 A All right. I have read it.

13 What is the question?

14 MR. LESAR: Would the reporter read
15 the question back?

16 (Whereupon the following was read by
17 the reporter:

18 "QUESTION: I would like to show you
19 a letter dated November 23, 1968, which I would like
20 to introduce as an exhibit, which purports to be a
21 letter from you to Judge Preston W. Battle.")

22 Q Do you identify that as a letter which you wrote Judge
23 Battle?

24 A That is not my signature. It is my secretary's
25 signature of my name, but I dictated the letter.

1 Q And you approved sending it to Judge Battle?

2 A That was the purpose of dictating it.

3 Q As dictated.

4 A What was your question?

5 Q You approved it as dictated?

6 A I never saw it, but it is my language, every bit of
7 it, and my phraseology.

8 Q Would you adopt it as yours?

9 A Yes.

10 I never got any of these files from
11 Hanes until after January 25. I did get the,
12 through Hugh Stanton, Jr., from a lawyer that is
13 with Russell Thompson, some of what I later got, all
14 of which I later got from Hanes after I started
15 working with Huey Long -- Huie, William Bradford
16 Huie.

17
18 (Whereupon Plaintiff's Exhibit No. 11
19 was marked by the reporter, a copy of which is
20 attached hereto).

21
22 Q (By Mr. Lesar) In a letter which Art Hanes wrote to
23 Judge Battle on November 27, 1968, he says:

24 "Quite frankly it is my distinct
25 impression that Mr. Foreman is disinterested in making

1 a genuine effort to obtain benefit from the fruits of
2 our labors. His brief visit from a layover between
3 planes has been the only contact we have had with him
4 and even that seemed to be pro forma."

5 Is it true that was the only contact
6 you had with Art Hanes?

7 A Yes, except to ask the Judge to cite him for contempt
8 for the failure to turn the papers over to me, and the
9 Judge did severely reprimand him in court for it.

10 Q When did you get those papers?

11 A From him?

12 Q Yes.

13 A January 25,

14 I never got it based on anything the
15 Judge told Hanes or anything I tried to do to get it
16 except through Bradford Huie, I assume.

17 Q You stated this morning that you received \$9,000 from
18 Huie.

19 Is that the correct figure?

20 A It was 10,000 received, two \$5,000 checks, and I don't
21 know how I got my needle hung on 9,600, but that -- I
22 don't know whether -- I paid out certain matters
23 including the \$500 to Jerry, others could have been
24 payments to these investigators, because I think only
25 9,000 went in the bank.

1 GENERAL HAILE: We want to see that
2 letter from Hanes a moment.

3 MR. LESAR: I did not submit that as
4 an exhibit.

5 GENERAL HAILE: I figured you had done
6 it just out of concern for the size of the record.

7 THE WITNESS: We have a very
8 underprivileged reporter here, and I appreciate you
9 all knew that.

10 MR. LESAR: Can I proceed?

11 GENERAL HAILE: Go ahead.

12 Q (By Mr. Lesar) There was an additional \$1,000 --

13 A I don't know. I told you I have no explanation for
14 that.

15 Q -- in addition to the two \$5,000 checks?

16 A There wasn't any additional \$1,000.

17 Q Wasn't there \$1,000 for the Look Magazine article --

18 A Well, that didn't --

19 Q -- after the guilty plea?

20 A That came way late in April or May.

21 Q But you did not receive 1,000 for that article?

22 A Yes.

23 Q You stated this morning that you had deposited the
24 \$5,000 checks in an account as trustee for James
25 Earl Ray.

1 A Yes.

2 Q What bank did you do that?

3 A I'm not sure. I think it was one of the Planter's
4 Banks, but there are many of them in Memphis.

5 Q It was a Memphis bank?

6 A Yes.

7 Q Would it have been the Union Planter's Bank?

8 A It would have been one of them. I think there are a
9 great many of them there. I don't know how they
10 designate the various ones.

11 Q And that money was deposited in James Earl Ray's name
12 with you as trustee?

13 A No, it was in my name as trustee for -- I don't
14 remember -- trustee for the James Earl Ray account, or
15 something of that sort.

16 Q Are you willing to make available the financial
17 records with regard to that account?

18 A I am willing to authorize the bank to make them for
19 you, reconstruct them for you. They are in that file
20 that I last saw in John Hooker's trunk.

21 Q The records relating to the account are?

22 A Everything I have relating to this case is there.

23 I would sort of like to get a copy of
24 them myself.

25 Q Will you give us written --

1 A I just told you I would, brother, I will write it out
2 by hand and have it signed by the mayor and attested
3 to by the sheriff if you want it.

4 Q Fine. That's all right.

5 Now, I would like to show you this
6 Proposed Motion for Proposed Stipulations.

7 A All right. I have read it.

8 MR. LESAR: I would like to make an
9 exhibit of that.

10

11 (Whereupon Plaintiff's Exhibit No. 12
12 was marked by the reporter, a copy of which is
13 attached hereto).

14

15 Q And what was the purpose of these stipulations?

16 A Several. One was to know what the witnesses were
17 going to testify so I could have people where they
18 lived talk to them, check on them, on what the
19 District Attorney said they were going to testify to.

20 Q This was still while you were anticipating a trial?

21 A I think so. What is the date on it? Does it show?

22 Q February 5, 1969.

23 A It was prepared before that date. It wasn't filed
24 until then, but it was prepared before.

25 Q What was the State's response to that?

1 Did they start drawing stipulations
2 based on this?

3 A They refused -- the Judge refused to order them to.
4 I thought it would appeal to him, most judges want to
5 save the county money, and they served us with 360
6 names and said they weren't going to use but 60 or 90.
7 It would have helped us to know, but they wouldn't
8 tell us --

9 Q That is an awfully big number of witnesses.

10 How long would it have taken if there
11 had been a jury trial, in your estimation?

12 A They wouldn't have used, I don't think they would
13 have used over 30 witnesses, I don't think they would
14 have had to, but I think their estimate of 60 or 90
15 was just to hide behind the 360. They wanted to
16 confuse us, make it impossible for us to talk to all
17 of them before the trial. I was just trying to clear
18 out the under, the new ground, with that motion. I
19 have filed them before and I never have had one
20 granted, but this was a case that everything that
21 happened was being published and they were trying to
22 try it in the papers, anyhow, and it was favorable
23 propaganda so it looked good for us to try to save
24 Shelby County some money.

25 There were any number of reasons

1 behind it.

2 Q I believe you estimated at one point that a jury trial
3 would have taken three to six months.

4 A I never did believe that this case, the trial of this
5 case would take more than two weeks to three, but I may
6 have, in that motion I may have stated, I may have
7 done it, anyway, to get this granted, if the Judge had
8 looked favorably on that.

9 I knew there wasn't any law that
10 required him to do it, but if a Judge had looked
11 favorably on it and had ordered them to do it, they
12 would have done it.

13 Q What is your customary hourly fee for legal work?

14 A I don't have any.

15 Q You don't have any in criminal cases?

16 A I don't keep time. I don't have any in civil cases.

17 Q How much is your time worth?

18 A It's worth a whole lot more than I get.

19 Q Is \$200 an hour an accurate --

20 A Our former Assistant Attorney General of the United
21 States has testified that it is worth \$400 an hour.
22 As a matter of fact, he said it is priceless. He
23 testified to that under oath when the issue was
24 attorney's fees.

25 I am too modest to say what I think it

1 is worth.

2 Q Was it your custom when you gave materials to James
3 Earl Ray to have him sign them or initial them to show
4 that he had read them?

5 A I didn't have any custom. Certain papers I had him
6 sign, such as this warning I gave him, because I
7 wanted it in the event he got the electric chair and
8 then wanted to say I didn't properly advise him.
9 Other insignificant matters that couldn't have any
10 future importance, it wasn't my policy, it was just my
11 judgment depending on whatever the paper was.

12 Q General Haile introduced this morning a set of
13 stipulations, and it is Exhibit No. 3.

14 Did you identify that as the original
15 copy of the stipulations, as a copy of the original or
16 first set of stipulations?

17 A I simply said I had seen it before and that was my
18 signature and that I explained it and went over it.

19 I don't identify it line by line.

20 I recognize the set of stipulations,
21 which some of those I do recognize verbatim. I am
22 going by my signature.

23 Q Was there more than one set of stipulations drawn up?

24 A There was. I think when I went back to who is now
25 Judge Beasley, that he wrote another one, just

1 changing that one thing about Wallace's Headquarters.
2 There wasn't any other change, there wasn't anything
3 else objected to.

4 Q The intent of this was to put it in as an exhibit?

5 A Put it in as an exhibit.

6 Q At the guilty plea you were going to introduce this?

7 A I wasn't going to.

8 Q The State was?

9 A Yes. They prepared that. I sat with them. I didn't--
10 when there was anything there that I didn't know about.
11 I made them show me in their file why it was true.

12 Q You gave a copy of this to James Earl Ray?

13 A No, I went over it with him, the one I was going to
14 turn back to them. I didn't let him keep copies of
15 it. I never do that with a client.

16 Q But you showed him a copy and you went over it with
17 him?

18 A Yes, I did.

19 Q And he made some changes?

20 A The only thing he objected to, he didn't make any
21 changes. He said, "That is not true and I won't
22 sign it," that one thing only, nothing else. He
23 didn't make any other change.

24 Q And he did that in his own handwriting on the copy?

25 A No, sir, he didn't do it at all. He said he wouldn't

1 agree to it.

2 Q He didn't make any check marks or cross anything out?

3 A No, sir, he didn't. He just simply told me, "I won't
4 sign that."

5 Q And you took it back?

6 A Yes. I made a check mark, or whatever it was, on my
7 copy.

8 Q And you took it back and then it was retyped, you
9 think?

10 A I don't recall that it was. I have an impression that
11 it was, but, at any rate, it wasn't read to the jury.

12 Q Is this the copy that was presented before it was
13 retyped or after?

14 A I haven't any idea. I don't know. I just simply --
15 I have already told you all I know about that.

16 Q You don't know whether this is the original first
17 version or a later version?

18 A There wasn't any difference in the two versions
19 except as to one paragraph.

20 Q But you don't know which this is?

21 A I don't know which. I don't know that it wasn't -- I
22 am not positive that it was retyped. It is my
23 recollection that they said they would retype it and
24 started retyping it, and I don't know that it was,
25 and that thing is in both versions that I was shown,

1 and, therefore, my recollection could be wrong about
2 it being retyped.

3 Q Gerald Frank, in "An American Death," page 433 states
4 that the 55 paragraph proposed stipulation as to
5 material facts which the State would prove in the
6 course of this trial through lay and expert witnesses,
7 which Ray signed on Thursday, March 6, 1969, and
8 stands as his confession to the murder of Dr. King
9 reads as follows -- was that the date that the copy
10 was signed?

11 A What date was that?

12 Q March 6, which would have been Thursday, I believe.

13 The plea was on Monday, the 10th --
14 Sunday was the 9th.

15 A I don't know. I think, it is my recollection that it
16 was struck through at the counsel table on March 10,
17 but I don't know if we were in court on March 10.

18 Q What was struck through?

19 A The line he objected to about the visit to Wallace's
20 campaign headquarters.

21 Q On the day he pled guilty that was deleted or struck
22 through?

23 A I have that recollection, but I am not positive.

24 It wasn't struck through in his cell,
25 but he did object to it in his cell, and I went and

1 reported that that was all he objected to. It may
2 have been that the, that it was March 6 that I showed
3 it to him in his cell.

4 Q Mr. Frank states that Ray signed this copy.

5 Did Ray sign a copy?

6 A I don't know. I think he signed a copy of it, the
7 stipulation. It is my recollection he did, but I
8 don't know. The stipulations are in the record.

9 Q They are in the record in Memphis?

10 A Yes, certainly. It was made a record of the court,
11 that was all it was. They were read to the jury and
12 then handed to the court reporter.

13 Q This set of stipulations?

14 A I don't know which set, a set of stipulations. The
15 set that was handed to the Court was handed into the
16 record.

17 Q And this was a signed copy?

18 A I do not know, sir, and again I don't know, and
19 tomorrow I won't know either.

20 Q Would you agree that there is no signature on this
21 copy?

22 A I will agree that every page of Defendant's Exhibit
23 No. 3 bears the signature or, rather, the initials
24 of, my own initials and James Earl Ray's initials.
25 Now, I don't know -- and my signature appears on the

1 final page, page 6, in full.

2 Q But Ray's does not?

3 A No, only his initials "JER".

4 Q Would that perhaps indicate to you that this wasn't
5 a final copy?

6 A Nothing indicates anything to me. I take things as
7 they are. I draw no conclusions. I am only smart
8 enough to deal with facts without conjecturing into
9 the record.

10 Q Now, did you just go back to the State/once, on these
11 stipulations, or more than once?

12 A I don't know that.

13 Q Over how many, a period of how many days or weeks was
14 this stipulation process carried on?

15 A Several days. I don't know that, I didn't make any
16 notes of it, I did not consider it important, and
17 don't consider it important now.

18 Q But your recollection is that it was over a period of
19 / several days?

20 A Yes. If I had to estimate a time, and it would be
21 purely an estimate, I would say three or four or five
22 days from the time we first started until we finished.

23 Q It is my recollection that on Friday, March 7, you
24 asked Judge Battle to hold a hearing on Monday, the
25 10th. Is that correct?

1 A No, sir. I haven't said that. That is the first time
2 I have heard Friday, March 7, at all, and I am quite
3 certain that, knowing Judge Battle's temperament,
4 that I wouldn't have had the temerity to suggest he
5 have a hearing at any time. He runs his -- ran his
6 courtroom, and he wouldn't appreciate it if somebody
7 told him they wanted to have a hearing. He would set
8 it himself at his own convenience and according to his
9 own judgment.

10 Q I ask you to read the next to the last paragraph on
11 page 365 of Mr. Frank's book.

12 A I did not agree to edit this book.

13 Q Maybe you should have.

14 GENERAL HAILE: Why don't you just ask
15 him from now on if he agrees to such and such a
16 statement instead of "Gerald Frank says this, is
17 Gerald Frank wrong?"

18 A I may have advised him on that date that everything
19 had been completed for the plea. I don't recall that
20 I did, and I certainly know I did not ask him to have
21 a hearing on any date, any fixed date. There wouldn't
22 have been any percentage in waiting. I don't even
23 remember when the case was set for, and I thought it
24 was set off much longer than just three days. It
25 would have been, I think, very inconsiderate of all

1 the various television channels, and the way they were
2 trying to cover it, the kind of equipment they were
3 using to cover it, it was the best and biggest
4 equipment that they have to keep busy and it has to be
5 committed every day -- it was my opinion, it is my
6 recollection, I am sure that Mr. Frank investigated
7 the time, whenever that happened. I don't believe he
8 would have made a misstatement, but it is certainly
9 wrong when he says I asked for it. I just don't do
10 that.

11 Q How would that hearing come to have been set then?

12 A Judge Battle set it, but not at my request. I
13 wouldn't have the nerve to ask any circuit court or
14 district judge to do something on a certain day.

15 Q At the time the hearing date was set for March 10,
16 the hearing had already, the trial was scheduled, I
17 believe, for April 3, wasn't it?

18 A I don't know.

19 Q You had made a motion for continuance which had been
20 granted, I think it was almost the exact anniversary
21 of the assassination that the trial was supposed to
22 start.

23 A Yes. I have a recollection about that being true, but
24 again, I am not positive. Those things don't matter
25 a bit to me, and I don't recall it, and I don't think

1 it matters a bit to your record.

2 Q It strikes me as strange that when the date had been
3 set for April 3, why, very suddenly it was set for
4 March 10.

5 A I can explain why I think it was done.

6 I am sure by March 10 we had finished
7 all the stipulations and agreements and that Judge
8 Battle was very much concerned of there being a riot
9 as long as Ray stayed in that jail, and he wanted to
10 get him out of town.

11 Q Rather than wait until April 3?

12 A That would be a logical conclusion.

13 Q But, of your own personal knowledge, you don't know?

14 A No, sir, I don't, but as a fellow who was debating me
15 once said at Oxford, England, "Those of you who have
16 tails, may draw your own conclusions."

17 Q You made a trip to Memphis on Sunday, March 9.

18 A I don't have the slightest idea.

19 Q Well, the two letters to you, the letter contracts in
20 which you agreed to give Ray all of the money in
21 excess of \$165,000 which accrued under the contracts
22 if he would plead guilty with no embarrassing
23 circumstances taking place in court --

24 A Not if he would, but if he did.

25 I did not care whether he did or not.

1 Q Those letter agreements are dated March 9.

2 A Yes, but that wasn't your question. Your question was,
3 did I make a trip to Memphis on Sunday, March 9.

4 Q Were you already in Memphis?

5 A I don't know.

6 Q What precipitated those letters?

7 A I don't know what you mean.

8 Q Well, is there any reason why on March 9 you drew up
9 those letters? This is the day before the trial.

10 My understanding was that you were
11 here in Houston.

12 A Yes -- how do you understand that? I don't recall
13 saying that here.

14 Q I believe that is reported in Gerald Frank's book, for
15 example.

16 A I think you had better start reading some other
17 literature.

18 I am almost certain that I was in that
19 city, Memphis, the entire week before this plea was
20 entered, and the reason I am almost certain, I remember
21 being interviewed by newsmen from all over the world,
22 and I couldn't possibly have had as many interviews
23 without, in one day, as there were, from all over
24 this country, there were more than 60, and from most
25 of the -- many of the foreign countries, at least 20

1 or 30, and, frankly, I think I would just have been
2 there to get my name in the paper.

3 Q Did you receive word that Ray had changed his mind and
4 was having doubts about pleading guilty?

5 A Indeed I did not, and he never did change his mind,
6 and he never expressed any desire to change his mind
7 from the first time he evidenced a desire to plead
8 guilty.

9 Q No one phoned you and told you that there were rumors
10 that he had changed his mind?

11 A No, sir. There wasn't any such call from any person,
12 anywhere.

13 Q You mentioned this morning that you had planned to
14 take depositions in the Ray case.

15 Did you take any?

16 A No.

17 The Judge held under advisement some
18 of the names, and refused to permit depositions in
19 other cases. He did not overrule my motion, or rule
20 on the motions until the day of March 10.

21 Q You stated this morning that you did not know who
22 prepared the January 29 amendatory agreement and that
23 you did not believe you had ever read it.

24 A I don't believe I have ever read it. I may have read
25 paragraphs of it, but not many of them, and just

1 accidentally, if I read them.

2 My idea is that it was some lawyer that
3 works for William Bradford Huie.

4 Q Do you recall approximately when it was that you
5 suggested hiring Judge Ben Hooks and associating him
6 in the case?

7 A Huh. I think it was probably when James Earl Ray gave
8 me his reasons for not wanting John Hooker. I probably
9 told him that that was my next choice.

10 QUESTIONING BY MR. FENSTERWALD:

11 Q You mentioned the reading material he had in his cell
12 including books on cybernetics?

13 A Yes, and two or three of those other quick sciences.
14 It was on the order of astrology, but I am not saying
15 it was astrology. It was something else that the
16 people that don't know anything and have a very
17 shallow education try to impress people with because
18 they want to know something nobody else knows.

19 Q Is it possible one of the books would have been on
20 hypnosis?

21 A It could have been.

22 Q In particular, do you recall seeing a book by a man
23 named Hersey, and the rough title of it is, "How to
24 Improve Your Memory"?

25 A It could have been, I don't recall. I do recall

1 cybernetics because I knew so little about cybernetics
2 at the time that I went and bought the book myself to
3 try to find out any more about it to see if it would
4 give me any understanding of Ray.

5 Q You said you had a pretty good backfile of both the
6 Memphis papers up through November?

7 A Yes.

8 Q Would it be fair to say that you had some expectation
9 that you would be called into the case and that was why
10 you kept a file?

11 A I didn't get it until I was in Memphis and in the
12 case.

13 Q I thought you said when you went to Memphis you had
14 them.

15 A No. I ordered them in Memphis after I accepted the
16 case. I always do that. Some little old something in
17 there will give you a lead on some witness you didn't
18 expect to find.

19 Q I thought you said you had it in advance.

20 A No.

21 Of course, knowing I was getting
22 these calls all the time from Jerry and one from John
23 increased my interest, and I preserved -- I got, oh,
24 a half dozen copies of this Look thing each time they
25 came out with the idea that I might get into the case,

1 but only because of that.

2 Q In other words, it was a possible expectation?

3 A Yes, sir. There is always a possible expectation
4 of that kind.

5 Q The last question I had, I might say it is sort of
6 a generalization, but so I can understand this, is
7 it proper to say that insofar as the guilty plea was
8 concerned, that basically you went first to the Judge,
9 secondly to Canallay and third to Ray?

10 A I only went to the Judge, and wouldn't have thought
11 about going to the Judge except for what the Judge had
12 done out in California, and I knew it would take two
13 or three weeks to get the deal through the
14 prosecuting attorney and I couldn't afford to waste
15 all those weeks if I was going to do all that work and
16 get the same result as they had gotten out there,
17 and I just simply asked him -- when I say he was
18 running the thing, I meant nearly every time I wanted
19 anything extra for my client that I normally would
20 handle with the sheriff's office, or some deputy
21 sheriff, I had to go to the Judge.

22 Q I have in the back of my mind, Mr. Foreman, I don't
23 know from what source it is, that it was reported
24 when you went to the Judge he says, "I will accept
25 a guilty plea, but I will not accept anything less

1 than 99 years. In other words, I will not accept
2 life."

3 Is that correct?

4 A It was some time after we had worked out the guilty
5 plea. I don't think there was any discussion of life
6 or of 99 years until after we had agreed on waiving
7 the death penalty. I am not sure of this, but it is
8 just my recollection, and I think he said that at one
9 time, but he didn't say it the first time I talked to
10 him.

11 Q In other words, he set the parameters of what he
12 would accept, but not within the first conversation?

13 A He said he had never refused the recommendation of
14 the prosecutor, and then he wanted to know how we
15 were getting along -- I went to see him about something
16 else when he asked that question, and we had already
17 practically completed our agreement, and it was at
18 that time, it was an afterthought with him, and he
19 told me I had better not count on life, but I am sure--
20 I don't know how far we had gotten along, but it was
21 to where I was certain -- I told him I was sure we
22 would get along, we would enter a plea, and I was
23 sure the District Attorney would, unless the District
24 Attorney changes his mind, and that is when he said,
25 "Don't count on him getting anything different than

1 99 years."

2 QUESTIONING BY MR. LESAR:

3 Q Mr. Foreman, did you have James Earl Ray endorse two
4 checks?

5 A One.

6 Q Just one?

7 A One, and I don't know why I endorsed the other one --
8 I endorsed the second one the way the account was.

9 Q Did you have a power of attorney to do that?

10 A Nothing but a verbal power of attorney. I did not
11 have anything in writing.

12 MR. LESAR: That concludes my
13 questioning.

14

15 REDIRECT EXAMINATION

16 By General Haile:

17 Q Let me just ask one or two here.

18 You did not go to Judge Battle before
19 James Ray had decided to plead guilty, did you, on a
20 guilty plea?

21 A Oh, no.

22 Q Mr. Fensterwald asked about the order you went to him.


23 A I hadn't even told James Earl Ray that I was even
24 considering recommending that at the time I went to
25 the Judge because I didn't want to waste the time if

1 it didn't work.

2 Q So you did go to the Judge before?

3 A I went to the Judge simply to ask him if we worked out
4 a plea under which they would waive the death penalty,
5 would he queer it by refusing to agree to it, and he
6 told me that he never had and he saw no reason why he
7 should, and that was when I started negotiating with
8 the District Attorney's office. I don't know how he
9 got that phone call to Canallay from Houston, I don't
10 know how that could have happened, but it could have
11 happened.

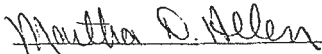
12 GENERAL HAILE: That's about all I
13 have.

14 
15 PERCY FOREMAN

16 THE STATE OF TEXAS :
17

18 COUNTY OF HARRIS :
19

20 SUBSCRIBED and SWORN to before me,
21 the undersigned authority, on this the 7 day of
October, 1974.

22 
23 Notary Public, Harris County, Texas
24
25

1
2
3 THE STATE OF TEXAS :


4 COUNTY OF HARRIS :

5
6 I, W. V. REED, a Court Reporter,
7 certified under the laws of the State of Texas, and a
8 Notary Public in and for said county and state, duly
9 commissioned and qualified and authorized to administer
10 oaths, and to take and certify depositions, do hereby
11 certify that the above and named witness appeared at the
12 time indicated and was by me first carefully examined and
13 cautioned and duly sworn to testify the truth, the whole
14 truth and nothing but the truth, and that said witness
15 thereupon testified as is above set forth; that the
16 answers of said witness to the oral interrogatories
17 propounded to him were taken down by me in shorthand, and
18 thereafter reduced to typewriting under my personal
19 direction and supervision.
20
21
22
23
24
25

1 I FURTHER CERTIFY that the facts
2 stated in the caption hereto are true, and that all of
3 the proceedings in the course of the taking of said
4 deposition are correctly and accurately set forth
5 therein.

6 I ALSO FURTHER CERTIFY that I am not
7 counsel, attorney or relative of any party, or otherwise
8 interested in the event of this suit.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand and seal as such notary public in and for
11 the County of Harris, State of Texas, on this the 4th day
12 of June, 1974.

13
14 
15 W. V. Reed, A Court Reporter,
16 Certified under the laws of the State
of Texas, and a Notary Public in and
for Harris County, Texas



31

1 be treated by the Court as the original. This
 2 exhibit will be marked as Exhibit 2 to the deposi-
 3 tion of Mr. Percy Foreman.

(Records from State Peni-
 tentiary on James Earl
 Ray marked Exhibit 2 and
 filed as a part of this
 Deposition.)

4
 5
 6
 7
 8 FURTHER THIS DEPONENT SAITH NOT.
 9

10 Percy Foreman
 MR. PERCY FOREMAN

11 By Barbara D. Lane
 12 Court Reporter

13 Sworn to before me when taken,
 14 the 11th day of November, 1969.

15 Barbara D. Lane
 16 Notary Public

17 My Commission expires February 20, 1972.
 18
 19
 20
 21
 22
 23
 24
 25

Mr. BEESON. Mr. FOREMAN, IF YOU COULD——

Mr. FOREMAN. I have 109.

Mr. BEESON. Page 109. Mr. Lesar, then one of the attorneys for Mr. Ray, is questioning you here and on previous pages concerning your recollection of an event described by Mr. Huie in his book, "He Slew the Dreamer."

Following up on questions of that type in the middle of page 109, do you see the paragraph, starting "Actually"?

Mr. FOREMAN. Yes.

Mr. BEESON. You then start making reference to the Look magazine article which has been marked as Martin Luther King exhibit F-253. You state:

Actually, there is something in the articles attributed to me, a thousand articles, that I didn't say, but he had me saying things in that Look magazine. It is the best thing in there and people quote it all the time: "Question. What is that? Answer"—by you—"I forget what it is. It is at the close, last paragraph, last two paragraphs of it. I have forgotten the Look magazine article of April 15. He wanted to make it more readable"—

You are referring to Mr. Huie now—"and he did make it more readable, but I did not write it."

You then go on to say, "I wrote the article down to a certain point."

Mr. Lesar asked to introduce the article, the April 15 article of Look magazine, and then, Mr. Foreman, if we could go to the bottom of page 110, you continue to elaborate on this matter. You say:

It is the second to last paragraph. The last paragraph is mine and the sense and spirit and thought of the next to last paragraph is mine, but those are not my words. I did not write them and I did not know they were there until I read the article when it came out in Look. All the rest of it is mine.

That is, of course, the paragraph, the sentence, that I would like to concentrate on. You are having an opportunity during this deposition to review the Look magazine article. You say that the second to last paragraph was written for you, but you say specifically that all the rest of the article is yours.

Is your testimony before the committee today that, in fact, other parts of the article were rewritten also?

Mr. FOREMAN. The entire article was rewritten, every line of it. I was writing like a lawyer, with long, six-cylinder, Latin words. Huie writes for the public; he translated it to make it readable.

I do not speak literally when I say all of it is mine. I meant the sense and spirit of the article. I do not mean the literal word by word.

Mr. BEESON. And when the article itself refers to the fact that the letter from Mr. Ray was handed directly to you, that is one of the examples of rewriting; is that correct?

Mr. FOREMAN. For the third time, my answer is yes.

Mr. BEESON. Mr. Chairman, I wonder if we could have the witness review what has been premarked as Martin Luther King exhibit F-254?

[The information follows:]

86

1⁴⁰/m - Mr. Percy Foreman, attorney, was brought to the block by Officer Wilson, Capt. Smith & Chief Parker. Mr. Foreman & Ray went to the card table at the west end of block & both officers went to the east end of the block. Wilson carried out dishes from lunch. - DRW

2⁰⁰/m - Supervisor notified - OK - Ray is still talking to Mr. Foreman. - DRW

2³⁰/m - Supervisor notified - OK - Ray is talking to Mr. Foreman - DRW

3⁰⁰/m - " " " " " " " " - DRW

3⁴⁰/m - Mr. Foreman asked us to witness a letter that Ray drafted to Mr. Hones. The letter stated that Ray was dissatisfied with Mr. Hones' representation and that he desired "a Tennessee lawyer and 1 other," the one other being Mr. Foreman. Mr. Foreman also asked us to witness some questions by him of Ray, such as "Did I influence your decision to change lawyers?" answer, "No" - "Did I solicit your business or did you come to me?" answer - "I contacted you" - Mr. Foreman stated these questions were witnessed by us because he anticipated some sort of repercussion by Hones. Mr. Foreman stated he was ready to leave and we advised him of the shift change due soon & he stated that was fine. Supervisor notified.

3⁴⁰/m - Relieved of duty - J. W. Hall
J. P. Nichol

18

Mr. BEESON. While that is being brought to Mr. Foreman, I will describe it for the record:

This is two pages taken out of the Shelby County prison logs, dated November 10, 1968, the day that Mr. Foreman made initial contact with Mr. Ray in the jail cell.

The Shelby County prison logs were maintained, Mr. Chairman, in order to keep a detailed account of the activities surrounding the prisoner, Mr. James Earl Ray. Entries are made on at least a half hourly basis in these prison logs.

Mr. Foreman, again I am following up on the question of the letter which Mr. Ray sent to you in this line of inquiry. I wonder if you would follow along with me as we review this excerpt from the prison log, at the top of page 86? Do you see where I am indicating, Mr. Foreman?

Mr. FOREMAN. I have F-254 before me and——

Mr. BEESON. You will notice they are marked out of the logbook as pages 86 and 87?

Mr. FOREMAN. Yes. I see an 86. I don't see an 87. This 86 is on——

Mr. BEESON. We should be able to give the 86 in a second.

Mr. FOREMAN. Sir?

Mr. BEESON. We should be able to give you the second page in a minute.

Mr. FOREMAN. Thank you. May I keep this? Oh, is this the same?

Mr. BEESON. That is the same thing.

Mr. FOREMAN. Yes, ma'am, you may have this.

Mr. BEESON. Mr. Foreman, at the top of page 86—this is November 10, 1968—the first entry appears at 1:40 p.m. in the afternoon. It reads as follows:

Mr. Percy Foreman, attorney, was brought to the block by Officer Wilson, Captain Smith and Chief Parker. Mr. Foreman and Ray went to the cardtable at the west end of block and both officers went to the east end of the block. Wilson carried out dishes from lunch.

Next entry is at 2 o'clock. It reads: "Supervisor notified—OK—Ray is still talking to Mr. Foreman."

The next entry is at 2:30, reads: "Supervisor notified—OK—Ray is still talking to Mr. Foreman."

The next entry is at 3 o'clock, reads: "Supervisor notified—OK—Ray is still talking to Mr. Foreman."

And the next entry is at 3:25 p.m. and that is the lengthy one which reads as follows:

Mr. Foreman asked us to witness a letter that Ray drafted to Mr. Hanes. The letter stated that Ray was dissatisfied with Mr. Hanes' representation and that he desired "a Tennessee lawyer and one other", the one other being Mr. Foreman. Mr. Foreman also asked us to witness some questions by him of Ray, such as "Did I influence your decision to change lawyers?" Answer, "No". "Did I solicit your business or did you come to me?" Answer, "I contacted you." Mr. Foreman stated these questions were witnessed by us because he anticipated some sort of repercussion by Hanes. Mr. Foreman stated he was ready to leave and we advised him of the shift change due soon and he stated that was fine.

At the top of the next page the final relevant entry is at 3:40 p.m.: "Officers Berry"—and it looks like "Munch"—

* * * entered A block, brought in supper, balogna, cheese, bread, mixed fruit and potato salad. Mr. Foreman was also taken out of A block.

The shift changed 3:40.

My question to you, Mr. Foreman, pertains to the two questions which you asked the guards to witness between you and Mr. Ray.

The second question is: "Did I solicit your business, or did you come to me?" The answer which Mr. Ray gave, according to this, is, "I contacted you." Of course, Mr. Ray denies that at this point.

My question to you is simply this: If, in fact, you had returned to your office in Texas, you had a letter from Mr. Ray, and you had read the letter from Mr. Ray, why did you feel it necessary to take this further precaution in the jail cell itself to protect yourself against later charges that you had actually solicited his business?

Mr. FOREMAN. Because of the type character that James Earl Ray was and is, knowing that at any stage of any proceedings such a person is apt to repudiate his counsel and attempt to put them in a switch.

I have been in this practice for over 50 years and this was based on my experience in other cases; and, besides, if I had been Hanes and this situation had happened, I would have made some inquiry as to how the other lawyer happened to come in; and I simply wanted some witness other than this man—that I did not consider credible—to back me up, and that's the same reason I had these guards sign and witness his request that I negotiate a plea.

I was looking for believable witnesses, deputy sheriffs of Shelby County, to protect me against any sort of reaction that Mr. Arthur Hanes might bring about upon being discharged as attorney.

Mr. BEESON. I can understand your concern. I am sure it was developed over several years of representing defendants in courts across the United States.

My question is, if you already had Mr. Ray's letter asking you to enter the case in your office in Texas, why was it necessary to take this further precaution?

Mr. FOREMAN. I don't have any answer to a question that commences with "Why." I don't know the answer to any question that commences with "Why." But it occurred to me that here were the only witnesses available and it did appear a good time to make sure that I was protected by someone else.

I don't know. I do lots of things that are not necessary, but I do what I think is advisable and at this time I thought this was advisable.

As it turns out, it was advisable.

Mr. BEESON. Mr. Foreman, one final question:

As you well know, the Code of Professional Responsibility put out by the American Bar Association reads as follows:

Obviously, a lawyer should not contact a nonclient directly or indirectly for the purpose of being retained to represent him for compensation.

Do you consider that your behavior and your contacts with Mr. Ray on the 10th of November 1968, were in full compliance with that canon?

Mr. FOREMAN. I not only think it was in full compliance but I think it was necessary under my oath to uphold the Constitution, and in allocating my time, the first consideration—far above money—is whether or not I am needed, and I did not know anyone

in America who needed me any worse than James Earl Ray needed me on November 10. I thought it was my duty to be there.

I do not consider that I violated my code of ethics and I have never in my life been accused of violating any code of ethics anywhere in these United States.

Mr. BEESON. Mr. Foreman, I would like to move on to another matter, but still on the 10th of November 1968, the logs would indicate that your first meeting with Mr. Ray lasted approximately 2 hours. Is that your recollection?

Mr. FOREMAN. I have no recollection, but I know that it lasted a long time. That is the best I could give. But I will accept these hours and I would have guessed—the only reason it was up then was to get a letter to Judge Battle and to the sheriff and Mr. Hanes. Otherwise, I would have talked with him 6 hours.

Mr. BEESON. What did you discuss with Mr. Ray during the meeting?

Mr. FOREMAN. I did not understand your question.

Mr. BEESON. What did you discuss with Mr. Ray during the first meeting at Shelby County Penitentiary?

Mr. FOREMAN. Mr. Ray had reached a point of no return with his lawyer, Mr. Arthur Hanes. He stated that he knew he was going to be convicted and he felt he was going to be executed. He also felt that he was not being represented.

He mentioned that Mr. Hanes had not spent the time in Memphis on the case, that he had employed someone whose mental capacity James Earl Ray questioned, and that all of the investigation had been done by such a person, and that his own experience in court, that is Ray's experience in court, taught him that the witness, somebody, I guess it turns out to be Charles Stephens although I do not remember that name as of that afternoon—that his only hopes were on that man and that this man, too, was in and out of mental institutions, was a chronic alcoholic, and that he did not feel that he had a chance at being acquitted.

And he asked me if I would sit in the case. He didn't ask me at first to take over the case. He asked me if I would agree to sit in the case and handle the appeal.

I explained to him that the appeal would largely depend on the actions of the trial lawyer and what was put in the record, that you don't get a new trial only because you appeal.

He wanted to know how he could—he said he couldn't get another trial because he had to go to trial the next week. Then he asked if he changed lawyers did I assume that he would get a continuance?

I told him I did not know, but it certainly would be grounds for irreversible error if he didn't. This lawyer mentioned here a Tennessee lawyer. That was John Hooker. I had no intention of entering the James Earl Ray case other than the purpose of getting him a lawyer who was competent. John Hooker was. He had the same type practice I have in Texas and the same reputation for winning.

I had asked Mr. Hooker over the phone before I went if he would be agreeable and he had stated that anything I suggested he would be for. It was my intention that John Hooker would at least take the lead in this case and probably try the case, but I had to enter

the case at the time I did in order to get, keep it from going to trial 2 days later.

Going over the basis of appeal, a great deal of the first hour of our discussion had to do with his relations with his lawyer and how to get—eventually it developed into how to get a continuance.

I entered the case as his attorney intending to turn the case over to John Hooker and he agreed to accept John Hooker on this first occasion. But when he learned that Jay Hooker, John Hooker's son who had just run for Governor of Tennessee the preceding November had been supported by the Blacks he vetoed John Hooker and said he would have nothing to do with John Hooker because Jay Hooker had been supported by the Black people of Tennessee.

Mr. BEESON. Mr. Foreman, if I could dwell on what happened in the prison cell with a couple more specific questions:

Did you express any opinion to Mr. Ray concerning the strength of the Government case against him?

Mr. FOREMAN. I didn't know anything about the case. All the time I was in, this time you are talking about, the first interview, I was under the impression that there was a conspiracy and that Ray was a cat's paw. I had believed everything I had read in Look magazine about this so-called Raoul.

I also believed there was a chance to at least raise a reasonable doubt in the jury's mind as to Ray's guilt. There was a good chance that all the news stories that had appeared at the time of the assassination of Dr. King had been true, but some of them were figments of imagination and proved to be wholly untrue.

It was several days later, possibly weeks later, before I did have the conversation that you are talking about, the strength of the Government's case.

Mr. BEESON. Based on your perception of the case against Mr. Ray through reading the Look magazine articles, did you express an opinion to Mr. Ray during your first meeting with him that the case would be an easy one to beat?

Mr. FOREMAN. I did not. I suggested to him only what I have said, that if we can establish this sole man sitting on the side of the hill where the roominghouse was located and claimed that he heard a rifle shot from the bushes as distinguished from the boarding house, that that alone—plus the release of the wrong fingerprints by the Jefferson City, Mo. Penitentiary—I thought that those two items alone would be sufficient to raise a suspicion in the minds of any jury.

But neither of those, the release of the fingerprints was explained and had been corrected in 24 hours. I did not know at that time that such had been done. The old gentleman that was alleged to have been sitting on the hillside proved completely nonexistent.

Mr. BEESON. Mr. Foreman, did you advise Mr. Ray to terminate his contract with Mr. Hanes?

Mr. FOREMAN. No; I did not. I told him how he could get a continuance, that the judge would not dare not give him a continuance. He asked if he could terminate his contract.

Mr. BEESON. Part of the findings of the court in the habeas corpus proceedings that we have referred to before read as follows in summarizing the meeting between you and Mr. Ray.

The court says:

At that time Foreman expressed to Ray his disapproval of the contractual relationship between Hanes, Huie and Ray as not being in his best interest. He further indicated that the contracts could be broken.

This, of course, is the judicial findings of the court in the habeas corpus proceedings after reviewing all the evidence in the evidentiary hearings. Do you dispute the findings?

Mr. FOREMAN. I not only do not dispute the findings, but they are entirely correct. I never approved the contract between Hanes and Huie written by Huie's lawyers.

Mr. BEESON. And in fact you communicated to Mr. Ray that in your opinion you did not think those contracts were in his best interests, isn't that correct?

Mr. FOREMAN. I don't recall so doing. I might have expressed my opinion about the contracts but not with reference to his best interests. My opinion of the contracts were, and still is, that they have no place. When I accepted the benefits of that contract exactly as Hanes had it was at the request of James Earl Ray because James Earl Ray and Huie evidently thought there were going to be large amounts of money from a book.

I never had any illusions about that. Had there been a conspiracy there would have been a book just like the one in "Three Lives in Mississippi".

But with one single man, a lifetime convict killing a man because of his racial prejudice; that is not a story. I knew there would not be. He accepted that because the benefits of that contract, the assignment, at Ray's request because Ray was certain he was going to be sued by Coretta King and all his rights under that book were going to be attached. And because I could hold them in trust for him.

When I turned them back to him it was by preagreement. I never expected to protect him from garnishment of those receipts from a prospective lawsuit from Coretta King.

Mr. BEESON. Mr. Foreman, the questioning might at some future time get more deeply into the funding arrangement you worked out with Mr. Ray. Let me focus my questioning now on the investigation and preparation of the case which you, yourself, were personally responsible for.

First of all, our investigation, the committee's investigation, indicates that Mr. Ray's previous defense team, Mr. Hanes, Sr. and Jr., had done a significant amount of work on the case; that they had developed their own theory which they wanted to present to a jury; that they considered themselves prepared to go to trial and in fact did intend to go to trial.

Similarly, our investigation has revealed that the Shelby County public defender's office who were brought into the case after you became Mr. Ray's attorney of record also conducted a significant amount of investigation. They had two full-time investigators, Mr. King and Mr. Getz, on the case. They investigated a significant number of defense alternatives available to Mr. Ray.

I would like to focus on the efforts you made on behalf of Mr. Ray beyond the efforts performed by other defense counsel on Mr. Ray's behalf.

Mr. FOREMAN. I will answer your question, sir, but I don't agree with 80 percent of what you just said in preparation to asking the question.

But if you will ask the question, I will answer it.

Mr. BEESON. You will have 5 minutes at the end. I am acquainting you with what the committee's investigation has revealed. You certainly will have an opportunity to respond if you disagree with the tentative findings.

Mr. FOREMAN. I don't intend to respond to anything or explain anything except to answer questions. That is all I am here for. I have no soap box to sell.

Mr. BEESON. My question to you, Mr. Foreman, is what investigative work, what preparation for this case did you personally engage in prior to your decision to plead Mr. Ray guilty?

Mr. FOREMAN. Except for about an 8-day period when I had pneumonia, some time in late December and the first 3 or 4 days of January, I did give most of my time. I opened an office on the 3d or 4th floor of the Peabody Hotel, three or four rooms. I spent all of my time except from Friday evening about 4 or 5 until Sunday evening about 3 or 4 in Memphis.

I undertook to establish whatever was available in the way of a defense. I tried to find the old gentleman that the newspaper story claimed had heard a shot coming out of the bushes. I talked to all of the witnesses who were in Memphis who would talk with me. Mr. Charlie Stephens who wanted a fee for letting me talk to them and then wanted \$1,000 for him, I didn't talk to him. I didn't think testimony that you had to buy would be worth anything in court.

But I did talk to the landlady. I had to get an order from the judge for her to talk to me. I attempted to get access to the investigation at the police station at Memphis. The police were ordered not to talk with me. I had drawings made of the scene inside the bathroom and where the white Mustang that James Earl Ray used for his escape was parked. I examined all of the evidence pursuant to a motion granted by Judge Battle. I engaged eight law students at the law school there in Memphis to assist me in the investigation.

Mr. BEESON. If I could just take up right there, Mr. Foreman, is it your normal practice in defense work to use law students to supplement your investigations?

Mr. FOREMAN. Yes, either law or medical students, seniors in particular, and never a private detective. The reason is that they have to have character to stay in school 4 years. I never use freshmen. I tried not to use middle laws. I learned that when I was in the district attorney's office.

Mr. BEESON. How many students did you use in this case?

Mr. FOREMAN. Eight. I said that.

Mr. BEESON. Which law school were they from?

Mr. FOREMAN. There was only one law school there, university. I don't remember the name. It is Memphis State or whatever it is, the one the University of Houston beat at football this year.

Mr. BEESON. It is a local law school in Memphis?

Mr. FOREMAN. It is a State law school. It is a part of a university.

Mr. BEESON. How did you pay these law students?

Mr. FOREMAN. By certificates that they had worked on the James Earl Ray case. I explained to them there would be no money available except for expenses. I did pay for car rentals and any other out-of-pocket expenses that any of them had, but no money.

Mr. BEESON. They were not salaried investigators, and this was volunteer work they were doing?

Mr. FOREMAN. I had applications from 30 or 40 and I selected 8. They did it for whatever the reward might be attendant upon that. No, sir; there was no pay.

Mr. BEESON. What type of work did you ask the law students to do?

Mr. FOREMAN. We divided the work. One was running down the CB broadcast discussed earlier this morning. Two of them were assigned only for that, different ones to different parts of the work. I have tried at least 500 cases besides James, I handled the plea for James Earl Ray and I don't undertake to recall in detail what happened 10 years ago in this given case.

Mr. BEESON. Am I assuming correctly that their work was confined geographically to the Memphis area?

Mr. FOREMAN. Not altogether. I went to Jefferson City, Mo., and to St. Louis, to New Orleans, La., to Birmingham, Ala. I went everywhere except to Canada and England and Mexico and California.

Mr. BEESON. I am sorry if you misunderstood my question. My question went to the law students themselves.

Mr. FOREMAN. Oh, yes; their work was solely in Memphis.

Mr. BEESON. Did you have any investigators either volunteer or hired, in any of the other major cities in this case?

Mr. FOREMAN. No, sir.

Mr. BEESON. In Atlanta or Birmingham?

Mr. FOREMAN. The answer is no, sir. I did not in any other city.

Mr. BEESON. Were you ever concerned, Mr. Foreman, that the law students you hired would not have the requisite expertise to handle a murder case of this magnitude?

Mr. FOREMAN. I don't think that the investigation of Martin Luther King was any different than the investigation of any other person. I don't recognize that a private detective has any more expertise than any other trained minds.

I have found far more effective the using of senior university students, college students, wherever there be such an institution, far preferable. In fact, if I can't get them, I do it myself. I do not use private investigators.

Mr. BEESON. Approximately how much time did you spend speaking to Mr. Ray himself?

Mr. FOREMAN. What was the question?

Mr. BEESON. Approximately how much time did you spend going over the defense in this case with Mr. Ray himself?

Mr. FOREMAN. I didn't diagram my time as to what was what. I talked between 35 and 70 hours altogether as I computed my time. That is the actual time in conversation with Ray about various phases and facets of his lawsuit.

Mr. BEESON. Mr. Foreman, as part of the investigation we have reviewed the prison logs, part of which you have already reviewed from the November 10, 1968, initial meeting with Mr. Ray. The

committee review of those logs indicates that you spent approximately 20 hours with Mr. Ray, that 2 of those hours came before you were recognized formally as counsel in the case. This would have been the initial meeting. And approximately 6 of those hours came after the latest possible date for the guilty plea decision.

Mr. FOREMAN. I missed that last part.

Mr. BEESON. Approximately 6 more of these total of 20 hours came after the February 18 guilty plea letter which Mr. Ray sent to you. So that in total only 12 hours of consultation between you and your client exist during what might be called the investigative phase of this case.

Mr. FOREMAN. That is not true.

Mr. BEESON. You would be unwilling to accept the figures which we have established in our review of this?

Mr. FOREMAN. No, sir, I will not accept the figures as you gave them. They are not true. Your mere stating them in an adversary manner doesn't make them true. They are not true.

Mr. BEESON. Did you observe during your visits with Mr. Ray any situation which might explain the absence in the Shelby County Prison logs of references to visits between you and Mr. Ray?

Mr. FOREMAN. I know nothing of the logs. I assumed they were making them but I never saw any results of them. They were handed to me as F-254, pages 86 and 87, as of this morning.

Mr. BEESON. Then if in fact the logs, day-to-day, reflect only 20 hours, the explanation for that would be, I take it, erroneous figures in the logs themselves?

Mr. FOREMAN. I have not seen the logs and I cannot dispute something I have not seen. I am telling you that I spent from 30 to 70 hours, at least 30, with James Earl Ray. I do not know how accurate or whether or not—there is nothing automatic about this. Evidently humans wrote it down. It is human error. Somebody failed to write down some of the times, that is all. I don't think there is anything sinister or malicious about it. I just say it doesn't conform to the facts.

Mr. BEESON. Mr. Foreman, I believe you have told members of the committee on previous interviews that the Shelby County District Attorney's office was very cooperative with you during your investigation of the case. Were you satisfied with your knowledge of the government case against Mr. Ray prior to your recommendation to him that he plead guilty?

Mr. FOREMAN. I certainly wouldn't, I didn't make a recommendation to Mr. Ray. I have never recommended to any client, sir, that they accept any penalty. I learned a long time ago, I had not been in practice 2 years when I learned not to do that. James Earl Ray's plea of guilty originated with James Earl Ray. James Earl Ray was certain that he would not do more than 2 years on any sentence he received, whether life or 99 years. He said so.

He said there was no penitentiary in this country that could hold him, and if I could save his life, he would tend to the rest of it, and that if he didn't escape within 2 years, he would, as he used the expression, throw a writ, meaning making a writ of habeas corpus making the allegations he is now making.

Mr. BEESON. Are you stating you did not recommend to Mr. Ray that he plead guilty?

Mr. FOREMAN. I so stated and will state again, I never recommended that to any client. If you do recommend, no matter how good a client they are and how many appeals the district attorney may make, he will hurt you everyday in the penitentiary he goes to and be a walking set of maledictions.

The professional man depends on what his clients say about him. I not only did not recommend—I did not recommend against it. I did tell him the facts as I saw them. I told him I thought he would be convicted. I told him I thought he would be executed, and I had to tell him that because that was the truth and he was entitled to my judgment as much as to my time and services, but I did not recommend he enter this plea. He suggested that.

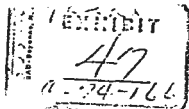
Mr. BEESON. Mr. Foreman, what you are apparently referring to is the letter which has been blown up, the February 13 letter on the easel over there, Martin Luther King exhibit F-262 in which you state your analysis of the case against Mr. Ray, including your evaluation of his chances of victory, 100 percent chance of a guilty verdict and a 99 percent chance of receiving the death penalty.

I would like at this time to refer you to that exhibit.

[The information follows:]

LAW OFFICES OF
PERCY FOREMAN
 804 SOUTH COAST BUILDING
 HOUSTON, TEXAS 77002

MAIN AT RUSK



Memphis
 Thursday
 Feb. 13,
 1969

Mr. James Earl Ray,
 Shelby County Jail,
 Memphis, Tennessee.

Dear James:

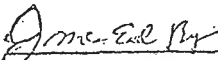
I write this letter to put of record my analysis of your case, my judgment concerning the probable outcome and my recommendantion as to the course of action we should explore in your behalf. I also write it for my own protection. Because I anticipate the coming of a time when it will be needed for reference.

I have spent several weeks reviewing the nature of the case the State of Tennessee has against you. I have surveyed jury sentiment in this county and jury verdicts in other recent cases. And I have come to this conclusion:

In my opinion, there is a little more than a 99% chance of your receiving a death penalty verdict if your case goes to trial. Furthermore, there is a 100% chance of a guilty verdict. Neither I nor any other lawyer can change the overwhelming evidence that has been assembled against you. The above analysis of your chances would still obtain even without the LOOK articles.

As my client, you are entitled to my judgment. It is based on my experience as attorney in more than 1,000 murder cases. If I am able to sqve your life by negotiation wd with the Attorney General and the Court, I will consider it one of the great accomplishments of my career in the court room. I do not know whether I can get an agreement to waive the death penalty or not. But if I can, it will have to be NOW. I know that it can not be done after March 3, 1969.

Please sign both pages of two copies of this letter as evidence I have advised you to permit me to try to negotiate the waiver of the death penalty in consideration of our entering a guilty plea for you.


 James Earl Ray.

Mr. BEESON. I am only interested in the last paragraph of that letter, Mr. Foreman, which reads:

Please sign both pages of two copies of this letter as evidence I have advised you to permit me to try to negotiate the waiver of the death penalty in consideration of our entering a guilty plea for you.

Now is this not a recommendation on your part that Mr. Ray permit you to institute negotiations of the guilty plea?

Mr. FOREMAN. That taken out of context certainly does, but taken in context with the rest of the letter in which the evidence is analyzed and my other conversations with him, it is not inconsistent with what I have heretofore said.

Mr. BEESON. Mr. Chairman, I have no further questions of the witness at this time.

Chairman STOKES. At this time the Chair recognizes the gentleman from Michigan, Mr. Sawyer, for such time as he may consume.

Mr. SAWYER. Mr. Foreman, let me start a little bit out of order because one thing here concerns me a little bit.

You say that when you took the assignment of the benefits or prospective or possible benefits under the Huie contract you did it primarily to protect the proceeds from a suit that might be brought by Coretta King?

Mr. FOREMAN. I did it because it was explained to me by James Earl Ray that that was his fear and that he had been warned about that, not by me. Yes, sir; that is the reason. I have never done it before. I have never done it since. I don't approve of it. I don't think it was professionally proper. But it had been written and the preceding lawyer had it and I agreed to accept an assignment and hold it in trust for him.

Mr. SAWYER. The assignment itself is very specific. It is an outright assignment. It makes no reference to any trust agreement or understanding.

Mr. FOREMAN. Well, if it had done so it could have been set aside by the same suit that might have been filed against Ray in accordance with his responsibilities. At least I would so hold. It would be that way in my home State.

Mr. SAWYER. Weren't you then entering into a fraudulent concealment of assets knowingly?

Mr. FOREMAN. You can call it that if you want to. I accepted it and I accepted it to protect, at Ray's request. I was the only person that could accept it for a valuable consideration. I don't consider it was professionally improper.

Mr. SAWYER. Aside from a characterization or label, how could it be anything else but a fraudulent concealment?

Mr. FOREMAN. Well, if it came down to the lawsuit in testimony, I would have testified then as I am now that I was holding it in trust for Ray and that would not have been a fraudulent concealment.

Mr. SAWYER. But the purpose of the instrument was to create a fraudulent concealment. Whether it was later penetrated by a lawsuit or testimony, the plan itself was a clear fraudulent concealment. You as a lawyer certainly were aware of that.

Mr. FOREMAN. Let's admit it now and can we get on to another question.

Mr. SAWYER. I would like to get an answer to that one.

Mr. FOREMAN. You understood it. You had to answer it beforehand. You didn't want an answer. You wanted to make a speech. Now I am ready for another question.

Mr. SAWYER. You don't care to?

Mr. FOREMAN. I have answered your question. He asked me to do it, Ray. I did it and I am not sorry for it. I reconveyed it to him as soon as I finished the case and that was my idea.

Mr. SAWYER. You reconveyed it as I recall except for \$165,000?

Mr. FOREMAN. That was a very low fee for the work and time that had to be done on this case. Actually, I got \$9,000 total and spent approximately \$30,000 for a loss of in excess of \$20,000 in out-of-pocket, aside from time.

Mr. SAWYER. But the trial court on review, on the habeas corpus proceedings, found and underlined it that the \$165,000 was an unreasonable fee.

Mr. FOREMAN. I considered it reasonable. I make no apologies for my fee. It is whatever life or liberty is worth.

Mr. SAWYER. Now I have seen two different statements on your view when you entered into the case.

One, that you entered it knowing that the only thing you could accomplish at the most would be saving this man's life, and on the other you have commented much as you did here today that you were to some degree misled on the defensibility of the case by some misstatements or half truths that had been reported in the news media and therefore inferentially at least you thought initially you could perhaps defend the case and yet on the other hand you stated that you entered the case knowing your best accomplishment could be saving his life?

Mr. FOREMAN. That is not true. I didn't say that. That is not a duplicitous question. You have about eight questions at once there. If you ask questions one at a time, I will certainly answer, but I cannot take a long, unconnected disquisition and then answer it. It is impossible, sir. No one can.

If you will break your series of observations down and ask a question, I will answer.

Mr. SAWYER. Did you make the statement that when you entered the case you felt there was no real prospect of defending it; you entered it perhaps for saving the defendant's life?

Mr. FOREMAN. I did not say that. If you recall here within less than 30 minutes ago I said when I came into the case I thought there was a conspiracy. I thought this man was just a cat's paw, and that if I could establish what I had read about the case, that I could raise a reasonable doubt in the jury's mind that would result in an acquittal.

I said that this morning in your presence. That is when I entered the case, on the 10th of November 1968.

Mr. SAWYER. When you took the assignment of the Huie contract, did you agree to, as that arrangement called for, to forward information from Ray to Huie?

Mr. FOREMAN. I don't know whether I had accepted the assignment. I don't remember when I accepted the assignment. For several weeks after I got into the case I refused to communicate with Huie or have anything to do with Huie or—it was only when I

found that Huie had done such a detailed investigation outside of Memphis that I felt that cooperating with Huie would be in Ray's best interest.

In fact, Ray wanted me to cooperate with Huie.

Mr. SAWYER. By cooperating did that mean relaying information from Ray to Huie?

Mr. FOREMAN. Yes. It meant, I guess it was probably 100, 200, maybe 500, anywhere from 100 to 500 questions that I would take to Ray, just as Hanes had done before me. And I would write out—I would leave them with him and he would take his time, hours, writing out an answer to all of them and I would return them to William Bradford Huie.

Mr. SAWYER. Did you read all the questions and all the answers?

Mr. FOREMAN. I imagine I did. I am fairly sure I did. I don't specifically remember question by question, but it would have been natural for me to have done so.

Mr. SAWYER. Did it give you any concern that Huie would have been compelled to testify as to those answers from Ray?

Mr. FOREMAN. I did not represent Huie. I have no brief for Mr. Huie and I don't care whether he is called to testify.

Mr. SAWYER. But you were representing Mr. Ray and these were Mr. Ray's statements to which Huie could be compelled to testify. Weren't you concerned as the lawyer for Mr. Ray about forwarding information like that?

Mr. FOREMAN. Not at all. There was nothing in any of the questions that could have hurt James Earl Ray. There was no revelation of damaging testimony in any of the questions. It simply had to do with "And how long were you in a certain town in Mexico and what route did you take out of there?" It was mostly geographical and chronological and economic: "Where did you get the money?" and so forth.

Mr. SAWYER. As I understood your testimony, you say that you made no recommendation to Ray about entering a plea?

Mr. FOREMAN. I wrote this letter. You can interpret it in any manner that you like. If you take the last paragraph, why you can say yes. The agreement, Ray knew about entering the pleas. As a matter of fact, he told me that he had pleaded guilty in every indictment that had ever been returned against him and had gotten off better by pleading than he would have by fighting the cases. Ray had been indicted some 15 or 20 times. He knows as much about strategy in a criminal case as most lawyers.

And you do invariably get, in a bad case, you can always get a better recommendation by negotiation than you can with a jury verdict.

Mr. SAWYER. Do you have available to you MLK exhibit F-253, the Look magazine article?

Mr. FOREMAN. Yes.

Mr. SAWYER. In that there is a paragraph stating: "I assumed that Ray sent for me not to spring him but to try to save his life."

Doesn't that indicate that when you entered the case you anticipated pleading him as opposed to defending him?

Mr. FOREMAN. As to what something indicates, your opinion would be just as good as mine. As I have told you, this article, I wrote 1,000 words, that is what they asked for. William Bradford

Huie rewrote the article as it appeared. I don't know what something indicates. It depends on the eye of the observer.

Mr. SAWYER. Could the witness be furnished with MLK F-261; the guilty plea proceeding?

Mr. Chairman, I would like to also at this time have MLK F-261 entered in the record.

Chairman STOKES. Without objection it will be entered in the record at this point.

[The information follows:]

MLK EXHIBIT F-261

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

STATE OF TENNESSEE,)	
)	
Complainant,)	
)	
versus)	No. 16645 Murder in The
)	First Degree
JAMES EARL RAY,)	
ALIAS ERIC STARVO GALT,)	No. 16819 Carrying a
ALIAS JOHN WILLARD,)	Dangerous Weapon
ALIAS HARVEY LOWMEYER,)	
ALIAS HARVEY LOWMYER,)	
)	
Defendant.)	
)	

BE IT REMEMBERED, That the above-styled cause came on to be heard this 10th day of March, 1969, before the Honorable W. Preston Battle, Judge, presiding, before a jury duly impaneled and sworn to try the issues herein joined, wherein evidence was introduced and the following proceedings were had, to-wit:

APPEARANCES

For the Complainant-----Gen. Phil M. Canale
 Mr. Robert K. Dwyer
 Mr. James Beasley
 Assistant Attorneys General
 Shelby County Office Building
 Memphis, Tennessee.

For the Defendant-----Mr. Percy Foreman
 804 South Coast Building
 Houston, Texas

Mr. Hugh W. Stanton, Sr.
 Mr. Hugh W. Stanton, Jr.
 Lincoln American Tower
 Memphis, Tennessee

your Attorney General that we will take prompt and vigorous action in searching it out and in asking that indictments be returned, if there are other people or should have, if it ever should develop that other people were involved, and you have my assurance on that. Not only me but the local law enforcement officers and your national law enforcement officers, and I just wanted to give you that thought.

Thank you very much, Gentlemen.

MR. FOREMAN: May I?

Gentlemen of the Jury, I am Percy Foreman, permitted by His Honor to appear, and it is an honor to appear, in this court for this case.

I never expected, hoped or had any idea when I entered this case that I would be able to accomplish anything except perhaps save this man's life.

All of us, all of you were as well-informed as was I about the facts of this case due to the fact that we do have such an effective news media, both electronic and press

and magazines. Took me a month to convince myself of that fact which the Attorney General of the United States and J. Edgar Hoover of the Federal Bureau of Investigation announced last July; that is, just what Gen. Canale has told you, that there was not a conspiracy.

I have talked with my client more than 50 hours, I would estimate, and cross-examination most of that time, checking each hour, minute, each expenditure of money down to even 50 and 75 cents for shaves and hair-cuts, pursuing the ---

I have gone through agreed recommendations in capital cases many times, and I know from past experience some of the questions that come to your mind as jurors, and I think you are entitled to have them answered now before you are sworn as jurors.

One of the things you are wondering is, if this agreement has been made between the prosecution and defense, why should we be brought in here at all?

Gentlemen of the Jury, that goes back

several hundred years in the jurisprudence of Anglo-Saxon law, and it's a part of the law of every state in the Union that I know about in capital cases, that capital case means a case where one of the alternate punishments is the possibility of infliction of death, and the law is so concerned about not establishing sordid chambered sessions where people's lives will be bartered, that they require what the Constitution calls a public trial, and you are the public in this case and you must understand what's going on. You are the brakes, but not one of you is required to sit on this jury. You have a right, any one of you, who thinks that it would be contrary to your conscience to write the penalty agreed upon by the prosecution and approved by the Court. If there is any one of you who feels, for any reason, you would rather be excused, why I am sure His Honor will excuse you at this time before the jury is sworn and call someone else to take your place.

Those of us who have spent our lives in

the courtroom, and particularly in the field of what's called criminal law, we are supposed to be able to evaluate a case. This is the extreme penalty short of one step. The death penalty is by many people thought to be worse punishment than life or 99 years in the penitentiary. I don't think there is any punishment at all to death except from the time punishment is assessed until it is carried into execution, because certainly there is no punishment after than.

What, through the fact that you have a District Attorney General, who is as big as his office, if not bigger, a man who is not primarily concerned with the scalps on his belt. He is not trying to get a glorious reputation to run for some higher office, and the fact that you have a Judge, a sincere humane and compassionate man, has enabled us to do here what some of the other celebrated trials were not able.

There is just as compassionate a District Attorney in Los Angeles as there is here, just as big a man, but the Judge would not

agree in that case, and that's why that case is going on.

But here in Shelby County, Tennessee, you are blessed with a judiciary and with a prosecuting attorney, who are able to look at this case as well as any other case and not be swept off their feet by the backwash of publicity, and there is no special consideration here.

I am advised by my co-counsel, Hugh Stanton, Sr., that there has never been a time in the history of Shelby County when a plea of guilty was entered that the death penalty was not waived.

So all that we have here is the same precedent, equal justice being applied as it would be if this were Joe Blow, John Doe or Richard Roe instead of James Earl Ray.

Now, with that, I want to ask each of you individually just one single question. It is polling the jury in advance.

Mr. Black, who is Mr. Black?

Mr. Black, are you willing to assess the punishment that His Honor and Gen. Canale

and the attorneys for the defense have agreed upon in this case, 99 years?

MR. BLACK: Yes.

MR. FOREMAN: You are. Thank you, sir. And Mr. Blackwell, are you likewise willing to -- is there anything in your conscience that would rebel at writing this penalty agreed upon in this case?

And you, Mr. Abrams, is that your answer also, and if accepted as a juror in this case, you will underwrite the verdict and the judgment of the Court and prosecuting attorney and defense counsel?

MR. ABRAMS: Yes, sir.

MR. FOREMAN: Thank you, Mr. Abram. And you are Mr. St. Pierre?

MR. ST. PIERRE: That is correct.

MR. FOREMAN: That is St. Pierre, isn't it?

I bet they haven't pronounced it right here yet.

MR. ST. PIERRE: That is one --

MR. FOREMAN: Are you, Mr. St. Pierre,

willing to subscribe to the verdict of 99-year sentence in this case if accepted as a juror?

MR. ST. PIERRE: Yes.

MR. FOREMAN: Thank you. And you are Mr. Williamson?

MR. WILLIAMSON: Yes, sir.

MR. FOREMAN: Is that your answer also?

MR. WILLIAMSON: Yes, sir.

MR. FOREMAN: And if you are sworn as a juror in this case, you will assess the penalty agreed upon and as recommended by your Attorney General and approved by His Honor, Judge Battle?

MR. WILLIAMSON: Yes, sir.

MR. FOREMAN: And you, Mr. Howard?

MR. HOWARD: Yes, sir.

MR. FOREMAN: Will you likewise assess the penalty of 99 years if you are accepted as a juror in this case?

MR. HOWARD: Yes, sir.

MR. FOREMAN: Thank you. And you are Mr. Counsellor?

MR. COUNSELLOR: Yes, sir.

MR. FOREMAN: Thank you, Mr. Counsellor.

Is your answer the same as these gentlemen on the back seat?

MR. COUNSELLOR: Yes, sir.

MR. FOREMAN: You will underwrite that verdict ---

MR. COUNSELLOR: Yes, sir.

MR. FOREMAN: -- if accepted as a juror.

And you, Mr. Stovall?

MR. STOVALL: That is my answer also.

MR. FOREMAN: Thank you, sir. We have a Judge Stovall in Houston.

Mr. Pate?

MR. PATE: Yes, sir.

MR. FOREMAN: Would you underwrite the verdict of 99 years as agreed upon and recommended by your Attorney General?

MR. PATE: Yes, sir.

MR. FOREMAN: And agreed to by the defense in this case and by the Defendant?

And Mr. Shaw, is that your answer also?

MR. SHAW: Yes, sir.

MR. FOREMAN: You would write the same verdict also? Your answer is the same?

MR. SHAW: Yes, sir.

MR. FOREMAN: Mr. Cariota, is that your answer, sir?

MR. CARIOTA: Yes, sir.

MR. FOREMAN: And you, Mr. Ballard?

MR. BALLARD: Yes, sir.

MR. FOREMAN: You would? Thank you.

Thank you very much.

Thank you, Your Honor.

THE COURT: Do both sides accept the jury?

MR. FOREMAN: We do, Your Honor.

GEN. CANALE: The State does, Your Honor.

MR. RAY: Your Honor, I would like to say something too, if I may.

THE COURT: All right.

MR. RAY: I don't want to change anything that I have said. I don't want to add anything onto it either. The only thing I have to say is, I don't exactly accept

the theories of Mr. Clark.

In other words, I am not bound to accept these theories of Mr. Clark.

MR. FOREMAN: Who is Mr. Clark?

MR. RAY: Ramsey Clark.

MR. FOREMAN: Oh.

MR. RAY: And Mr. Hoover.

MR. FOREMAN: Mr. who?

MR. RAY: Mr. J. Edgar Hoover. The only thing, I say I am not -- I agree to all these stipulations. I am not trying to change anything. I just want to add something onto it.

THE COURT: You don't agree with whose theories?

MR. RAY: I meant Mr. Canale, Mr. Foreman, Mr. Ramsey Clark. I mean on the conspiracy thing. I don't want to add something onto it which I haven't agreed to in the past.

MR. FOREMAN: I think that what he is saying is that he doesn't think that Ramsey Clark's right or J. Edgar Hoover is right.

I didn't argue them as evidence in

this case. I simply stated that underwriting and backing up the opinions of General Canale, that they had made the same statement.

You are not required to agree or withdraw or anything else.

THE COURT: You still -- your answers to these questions that I asked you would still be the same?

MR. RAY: Yes, sir.

The only thing is I just didn't want to add anything onto them. That was all.

THE COURT: There is nothing in these answers to these questions I asked you, in other words, you change none of those?

MR. RAY: No, sir. No, sir.

THE COURT: In other words, you are pleading guilty and taking 99 years, and I think the main question here that I want to ask you is this:

Are you pleading guilty to murder in the first degree in this case because you killed Dr. Martin Luther King under such circumstances that would make you legally

Mr. SAWYER. Now you have in front of you a transcript of the guilty plea proceedings?

Mr. FOREMAN. I don't know whether I have or not. I have MLK F-261. All I read so far was the names of Judge Battle and the prosecuting attorney. Now I see my own name, yes, sir, on the second page.

Mr. SAWYER. What you have in front of you are pages 15 to 25 of the court transcript of the guilty proceedings.

Mr. FOREMAN. Do you want me to look at any particular page on it? I have the paper. You tell me what it is. I accept as true what you say. Is there any particular page?

Mr. SAWYER. Yes. If you look at page 15, there is a statement by you there, and this is in open court so it doesn't really depend on the eye of the beholder, I would assume.

You say:

I never expected, hoped or had any idea when I entered this case that I would be able to accomplish anything except perhaps save this man's life.

Mr. FOREMAN. Yes, I see that.

Mr. SAWYER. Now you say that you really, when you got in it, you thought the case was defensible, basically. That is what you say now.

Mr. FOREMAN. The case obviously was defensible, sir, unless my investigation established that a lot of the newspaper articles that had appeared and that I had accepted as true were not true.

Mr. SAWYER. But there you state in open court, "I never expected when I entered this case that I would be able to accomplish anything except perhaps save this man's life."

Mr. FOREMAN. Yes, I read it. Want me to read it again?

I never expected, hope or had any idea when I entered this case that I would be able to accomplish anything except perhaps save this man's life.

We both read the same paragraph. What is the question?

Mr. SAWYER. Well, I just wanted to see if we are beholding with the same eye.

Mr. FOREMAN. I don't know, sir. I only look from where I am sitting. Sometimes the bird's eye view of the bull and the bull's eye view of the bird is different.

Mr. SAWYER. I think that is all I have at this time, Mr. Chairman.

Chairman STOKES. The committee will operate under the 5-minute rule.

The Chair recognizes the gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Now I just had two questions of information for Mr. Foreman.

You mentioned that when you first talked with Mr. Ray in prison that there were two questions that made it possible in your judgment for you to raise a reasonable doubt in the jury's mind concerning Mr. Ray's guilt. One was the man sitting on the hillside and the other was the release of fingerprints.

Now what was the release of fingerprints? I didn't understand that.

Mr. FOREMAN. Yes, sir. When it was established that James Earl Ray was a suspect, his picture had appeared. The Jefferson City

authorities at Jefferson City, Mo., where the State penitentiary is located and from whence he had escaped, released a picture but had another man's fingerprints. I thought that was highly suspicious to me. I thought I could make it suspicious to jurors.

However, it was some 2 or 3 weeks later that I learned, a newspaper article appeared. The newspaper article would never reveal, except on my investigation, that within 24 hours of sending out those, it was just a misprint in the identification department of Jefferson City Penitentiary. They themselves had sent out a new set with the actual prints of Ray.

But the news story I read never mentioned their having sent out a separate set. I thought it was ominous, suspicious, significant and something that could be blown up into certainly a reasonable doubt that somebody was in on a conspiracy.

Mr. PREYER. Just one other question.

On the letter which Mr. Ray sent to you employing you in the case——

Mr. FOREMAN. He did not send it employing me. He sent it to me asking me to come to talk with him, that is all.

Mr. PREYER. As I understand it, that letter ended up in the files of John Hooker.

Mr. FOREMAN. It was in my files and all of my files including that were turned over to Mr. Hooker in connection with the suit Ray filed against Bradford Huie and me.

Mr. PREYER. When you turned those files over to Mr. Hooker did you make no copy of that letter to keep in your own files?

Mr. FOREMAN. No, sir, I didn't keep a copy of a single item in that file.

Mr. PREYER. Thank you, Mr. Foreman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Mr. Percy—Mr. Foreman, excuse me—you are aware of the indices of conspiracy that have been woven around your representation of Mr. Ray. You are aware of the importance of being able to repudiate or corroborate Mr. Ray's statement that you sought to represent him. Obviously, you have done all that you could to reclaim the files from Mr. Hooker and have not been able to do that.

Is that true?

Mr. FOREMAN. Mr. Hooker departed this life December 25. I don't know how many years ago, 3 or 4.

Mr. FAUNTROY. You have indicated that you met with John and Jerry Ray on their request prior to the receipt of the letter. Is that true?

Mr. FOREMAN. No, sir. I did not meet with them personally until they met me at the airport in Memphis. I had talked with Jerry at least three times long distance, one time while his brother was still in London. On one occasion I talked with Jerry and John between the time of James Earl Ray's arrest in London and the trip to Memphis.

The first time I ever met them in person was at the airport in Memphis on the morning of November 10, 1968.

Mr. FAUNTROY. So that the record of this investigation will indicate that we have no way of establishing beyond doubt that you

were contacted by Jerry Ray and asked to consider representing his brother?

Mr. FOREMAN. There was no way of establishing—and I missed a word in there, please, sir. Did you say beyond doubt?

Mr. FAUNTROY. Yes.

Mr. FOREMAN. When I say anything, as far as I am concerned it is beyond doubt. I don't know what is in your mind.

Mr. FAUNTROY. We have Mr. Ray's statement that you approached him. We have your statement that you were approached by Jerry Ray and by his brother John. Is there any way that we can resolve that?

Mr. FOREMAN. I don't know what you would require to resolve it. I don't recognize that James Earl Ray is a credible person. The fact that his brothers, they surely didn't deny meeting me at the airport. There had to have been some kind of communication between us in order for them to have been there when I arrived in Memphis.

If you had them here as witnesses—I don't know whether you have or not—they surely told you that. I don't try to prove, Mr. Fauntroy, what I say. I just speak the truth. I am not concerned with whether or not it is received as such.

Mr. FAUNTROY. That is very interesting for a lawyer.

Mr. Foreman, you have recognized also the discrepancy between the prison record of the time spent by you with Mr. Ray and the amount of time which you recall that you spent with him. I wonder if you would care just to explain for me how that discrepancy could—

Mr. FOREMAN. How what, sir?

Mr. FAUNTROY. How that discrepancy could occur?

Mr. FOREMAN. Well, I have never found much accurate about prison records, sir. If they were kept by some machine—wherever people or the human element enters into recordkeeping there is a chance for error. I have found just as many errors in police records—I have found more than my share—and that is why I would not trust them very much.

These people are people that you employ and underpay, all of them. Deputy sheriffs and policemen are not CPA's. They are not the most accurate people.

I simply say that if the record does not show from 35 to 70 hours of my time, it is incorrect. As to how it occurred is for the sheriff of Shelby County to find out. It is none of my business.

Mr. FAUNTROY. But your answer is that in all probability the records kept by the prison as to the visits made to James Earl Ray, the accused assassin of Dr. Martin Luther King, Jr., were not accurate?

Mr. FOREMAN. I don't know what records are kept besides what is reported here.

Mr. FAUNTROY. It is reported that you spent 20 hours with him.

Mr. FOREMAN. Well, sir, I don't recall whether I filled out the arrival time and the leaving time on each of my appearances or not. Those would be the best records. All we have here is what somebody saw fit to turn over to one of your investigators. I don't know whether they have the others. I don't know whether we filled them out.

We usually do, in every jail that I go in to talk with prospective clients, why we have the arrival time and the leaving time. That would have my signature on it. That would show and I would recognize that and would accept it. But I will not accept as true whatever somebody wrote down or didn't write down.

You are assuming the infallibility of somebody making maybe \$300, \$400, or \$500 a month.

Chairman STOKES. The time of the gentleman has expired.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Mr. Chairman, the questions I prepared to ask have been answered. I think it boils down to a question of the credibility of Mr. Foreman as opposed to the credibility of Mr. Ray.

I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Foreman, I wonder if we could review briefly the Look magazine article. I recognize that you said that Huie rewrote it and I accept that. What I wanted to know is whether in two instances it accurately reflects what you thought at that time.

First is the paragraph down at the bottom of the first column in which you are addressing yourself to the question of why did these murderers—I think you called them that rather than assassins—kill.

Then you say or Huie rewrites what you said so it comes out that they each wanted the world to hear them. They wanted credit, top billing, headlines, front page pictures, the byline, self realization, a short-cut to fame, to exercise the ego. To them notoriety and fame are synonymous.

Does that reflect your own thinking of James Earl Ray?

Mr. FOREMAN. Yes, sir, and of every other assassin. The man that shot Wallace, Sirhan Sirhan who shot Kennedy, the same mentality, the same psychological profile exists, all of them on back to the man who shot Cermak at Miami for trying to kill Roosevelt, the one who killed McKinley in Buffalo. It is the same. Every one of them fit into the same psychological profile.

Yes, sir, that is me. That is the distillation really of the article as I prepared it.

Mr. FITHIAN. The second thing I wanted to have you comment on has been prompted by two or three things you said this morning and one thing in the article dealing with Mr. Ray's racial attitudes.

Earlier this morning I believe you said he did not accept your recommendation for a cocounsel because his son had run for Governor in Tennessee and was supported by the Black people of Tennessee, and therefore Ray would have none of that.

Did I interpret your statement?

Mr. FOREMAN. Yes, sir. There were other instances of his racism if you care to have them.

Mr. FITHIAN. I would like to have them.

Mr. FOREMAN. All right.

In the analysis of the jurors—and I watched them while I was in Memphis—all of the criminal cases tried, there were from five to

seven Black people on every jury. There is a large Black population in Memphis.

When he would not let me turn the case over to John Hooker, I asked him to let me associate in the trial of the case or at least in the selection of the jury a Black lawyer in Memphis; I named him, a former judge. He was a very capable person. He would not hear to it because he did not want a Black representing him.

When this group of ministers from the Southern Christian Leadership Conference came and spent approximately 20 hours with me, I tried to get to see them. At that time there was a negotiation in effect to sound out Martin Luther King, Sr., and Coretta King as to their attitude in the event a negotiated plea in which the death penalty would be waived was to be effective. I hoped to get their cooperation through the Southern Christian Leadership Conference, a group that Dr. King founded and worked in.

I spent 3 hours or 2 hours with James Earl Ray trying to get him to talk to these people. He refused. Nevertheless, I took some of them, four or five, including the Reverend Lawson, a Black pastor who performed the marriage ceremony according to the press not long ago. Ray would not get within 18 inches of the speaking tube through which you had to communicate, not with me. I was permitted access to his cage but anyone else talking to him had to talk through a speaking tube. He would not get close enough to talk to them. Those were two. There were some others.

When I was talking with him about why he wanted to go to Africa, I made the observation, did you want to go over there to shoot some more Blacks?

He said, well, you could say that.

Mr. FITHIAN. In this article next to the last paragraph, I believe, however, you did say that the last two paragraphs were probably added on by Bradford Huie.

Mr. FOREMAN. All of them, sir, are exercising his writer's license. Language is not mine.

Mr. FITHIAN. I understand that.

Mr. FOREMAN. All right, sir.

Mr. FITHIAN. What I am trying to get at is whether or not the thought of the second to the last paragraph reflects your views where you say or where the article says:

Ray thinks that the war between the races is imminent and he wanted to fire the first shot. The shooting of Dr. King, to him, was the Pearl Harbor of that war. He didn't tell me any of this. It is what I believe he thinks.

Mr. FOREMAN. I would not say that I have ever thought of that—Ray did think that killing Martin Luther King would make him a hero to the white race. James Earl Ray believed at the time I was talking with him that everybody thought like he thought.

To illustrate that, before we had reached the point of his negotiated plea, he pointed to the fact that between the two of them Nixon and Wallace had gotten 70 percent of the votes in Shelby County and he assumed that the jury would be at least seven to five for him because that represented the white people.

I don't accept the racial conflict between the whites and the Blacks as imminent myself. Ray thought that. He gave me time after time answers which underlined my interpretation of his beliefs as being that he would be the white hope. To him and to his

brother Johnny and to some extent to his brother Jerry, they come from the opinion in this country that hates Blacks and assumed that everyone else thinks like they do, which is untrue.

Chairman STOKES. The time of the gentleman has expired.

Mr. FITHIAN. I request unanimous consent to proceed for 3 additional minutes, Mr. Chairman.

Chairman STOKES. Without objection, the gentleman is recognized for 3 additional minutes.

Mr. FITHIAN. Mr. Foreman, did Ray ever express any objection to being tried by a jury made up in part of Black jurors?

Mr. FOREMAN. Such an objection would not have been valid. There would have been no way——

Mr. FITHIAN. I understand the legal objection. In talking with you, did he raise that issue?

Mr. FOREMAN. No; I don't think that Ray ever seriously believed that he would be tried. I think Ray always intended to do, if he could do it, what he did do. That is, waive the death penalty, get a penitentiary sentence, and escape.

Mr. FITHIAN. In all your discussions with him, then, do you ascribe racism as a motive for the assassination?

Mr. FOREMAN. Indubitably, undoubtedly, and completely the one motivation.

To illustrate that, sir, when I pointed out the fact that he would never have been caught had he just carried with him his personal effects with his laundry marks and his prison mark from Jefferson City, his identification number, all written on adhesive tape and pasted on his pocket radio, if he just carried them on with him 100 feet that nobody would ever know, he said that is exactly why I didn't carry them.

Mr. FITHIAN. He said what?

Mr. FOREMAN. He said that is why I didn't carry them. That is why I left them there. I wanted the boys at Jefferson City to know.

Mr. FITHIAN. Finally, one other brief area of questioning.

It was said this morning that Hanes and Hanes were adequately prepared to defend Ray at one point. Do you have any judgment as to whether that would be accurate or inaccurate?

Mr. FOREMAN. Well, Ray's judgment was that it was inaccurate. Ray told me that he knew he was going to be convicted. This was the first conference and within the first 30 minutes of conversation.

He asked me if I would sit through the trial, that he assumed that Hanes were going to—take over then at the appeal. He assumed he was going to be tried. He assumed he was going to be convicted, and he had reached an impasse in his relations with his lawyers. He had lost confidence in them and he at no time except when I was pursuing the leads that I thought would perhaps give him a defense—I think Ray always intended to do just what he said he was going to do.

When I was explaining to him the difference between a 99-year sentence which would carry 33 years service and a life sentence which in his case would have carried about 10 or 12, he said, Mr. Foreman, it doesn't make any difference to me. You are wasting your time. I will never serve more than 2 years and if I don't escape in that length of time, I will throw a writ.

Mr. FITHIAN. I will what?

Mr. FOREMAN. Throw a writ. That is the vernacular, prison language, for issuing out a writ of habeas corpus, which in turn means I didn't get a fair trial.

Mr. FITHIAN. I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired. The gentleman from Pennsylvania, Mr. Edgar.

Mr. EDGAR. Thank you, Mr. Chairman.

Mr. Foreman, earlier today you were describing your insistence that James Earl Ray have witnessed and sign a letter of intent in the prison by the two guards, Shelby County Jail. Your insistence was to protect yourself.

I wonder why, if you were so insistent on that particular document, why you were not as protective of the letter that you claim was sent to you by James Earl Ray.

Mr. FOREMAN. That is sort of an—that has three or four why's in it. As I stated before, I don't know the answer to any question that is why, commences with why. We don't use it in my office. I won't let a client use it. It is the thief of time.

You can argue it. I accept your argument, if that is what you intended it for, but I can't say why something happens, why something else didn't happen. I don't think you could, either.

Mr. EDGAR. Let me ask you some other questions in another area, then.

Let's go back to your comments about conspiracy.

Did James Earl Ray believe that the killing of Dr. King was part of a conspiracy?

Mr. FOREMAN. No; he knew it wasn't. But, James Earl Ray did believe that if there were a conspiracy, that that would be a defense where he was charged with murder. That had been driven into his subconscious mind by the approach of William Bradford Huie, giving \$10,000 a month, up to \$40,000, for his defense—he had seen \$30,000 come into his defense provided there was a conspiracy.

They wanted a conspiracy. When I, after several hours of questioning and cross-examining Ray, told him that there was no such person as Raoul, and he knew there was no such person as Raoul, he admitted that and told me that he had to invent Raoul because that is what Huie wanted.

I asked him how he happened to pick the name Raoul. He said that was the name of an operator of a bawdy house that he had held up, hijacked in Montreal, on another—not the trip of his escape but at some other time—earlier time.

He admitted there was no Raoul. He laughed at Hanes' and Huie's having accepted Raoul's story. That accounted for his speaking out in the trial—I don't accept that there wasn't a conspiracy. In Ray's mind still, if he can be shown to be part of a conspiracy, to him that is a defense.

It isn't legally, it isn't to a lawyer, it wasn't to me. I explained to him that he was just as subject of going to the electric chair or to death whether there were 10 or 12 or 20 or 200 people in league with him as—or whether he was acting alone.

But in his subconscious Ray still believes that if he can make the public believe there was a conspiracy, that that takes away his own guilt. That is what Ray believed.

Mr. EDGAR. Do you believe that Ray had that belief prior to his capture?

Mr. FOREMAN. I wouldn't know what a man believed at any given time, sir.

Mr. EDGAR. Was there any indication by Ray that he felt that using the conspiracy theory would in some way ease the sentence he might receive prior to his return to the United States?

Mr. FOREMAN. I don't know. I can't answer that from my experience with Ray. I can answer it from my experience with hundreds of other similar personalities.

I don't think Ray thought he would ever be caught. He wanted credit for killing King, but he didn't want to be caught. I don't think he thought he would be caught. I don't think most people who kill think they will be caught.

That is the only way I can answer it, is from my general experience.

Mr. EDGAR. Mr. Foreman, I just have two additional questions. Can you describe to the committee James Earl Ray's physical appearance the week prior to his plea of guilty?

Mr. FOREMAN. Well, he seemed to be well fed. He was gaining weight, according to him. His color was good. His—what is it—aspect, his aspect was good, meaning his coordination and his reaction to questions.

I didn't notice any difference in Ray's attitude or position or physical appearance the week before his plea of guilty than at any other time. But I was interviewing him, commencing in November, and ending in March.

Mr. EDGAR. A final question relates to his mental condition. What would you say was the condition of James Earl Ray the week prior to his guilty plea in terms of his mental condition?

Mr. FOREMAN. It was just as normal for him as any other time. I never was persuaded that Ray was a mental giant. He is a product of a lifetime in penal institutions, where all of the thinking is done above and chain of command passes it on. So, he does not have the mind he would have if he was in a free world.

It is typical, his mind was typical of hundreds of people who had spent the same amount of time in a penal institution. But for Ray, he was in the same position the week before the entering of the plea on the third of March as at any other time I talked with him.

Mr. EDGAR. Thank you.

No further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Mr. Foreman, in your letter to Mr. Ray you said that the chances of conviction were 100 percent and the chances of the death sentence were 99 percent.

Mr. FOREMAN. I told him that.

Mr. MCKINNEY. You suggested to us that there were two real reasons that you used these figures, and one is Charlie Stephens.

What I am going to ask you, though, is you had a Government case where ballistics were weak, you had a key witness who was an

alcoholic, you had witnesses such as Bessie Brewer and Reeves, who were not of the best type and who were questioning as to whether or not they could identify Ray.

You had testimonial conflicts on when the bundle was dropped in front of the store. There were no prints found in the roominghouse or in the bathroom. Solomon Jones, for one, placed the shooter outside of the area at the time. Finally, Ray had never in his background had any history of quote unquote violence.

Mr. FOREMAN. I missed that last sentence.

Mr. MCKINNEY. Ray in his past history had no history of violence, no known history of violence anyway, let's put it that way.

Doesn't that bring the odds down to a little better than 100 percent? I mean, you are a pretty tough lawyer. I have reviewed some of the work you have done. Wouldn't that give you a fighting chance for reasonable doubt?

Mr. FOREMAN. If that was all, yes, sir.

I never talked to a person in any walk of life in Memphis from the time I started on the case until the plea was already negotiated who didn't believe that Ray was guilty and would be convicted.

Public sentiment, the publicity that a case receives, has a great deal more effect on the administration of justice than the Constitution or the Code of Criminal Procedure or the Penal Code. Otherwise, we wouldn't be here.

The very same public feeling that existed in Memphis is manifested in the fact that we are spending the money that you are spending for the purpose that it is being spent for.

My experience in a half a century of defending criminal cases makes me evaluate a case from a lot of standpoints that are not available to the average dispassionate observer.

Mr. MCKINNEY. Public feeling has a lot to do with politics, too, I might add. Isn't it strange to move your files or transfer your files without having them duplicated?

Mr. FOREMAN. Not these files, no, sir. Not for me. I am a trial lawyer. I am not—my filing system is not one that would appeal to anybody else in the world.

I don't keep files like most people do. As a matter of fact, I seldom can ever find one when I want it without a secretary spending hours looking for it.

Mr. MCKINNEY. In other words, once all the legal remedies have been handled, you just dispose of the file?

Mr. FOREMAN. Well, not in this case. These files were delivered to my attorney at his instigation and request because of the fact that Earl Ray was suing me, and he thought—I would have done the same thing that John Hooker did. I would have asked for all of the files.

But as far as making copies of them, that would have taken 2 or 3 days of somebody's time to copy them.

Mr. MCKINNEY. We had testimony from a retired member of the English police who stated that while he was guarding James Earl Ray he mentioned that—and I am paraphrasing, obviously—that they would never get him for anything more than conspiracy anyway, and he would be out on the streets a rich man in 10 or 12 years.

Was that somewhat the attitude you found when you first started to interview Ray, or had the reality of the situation sunk in?

Mr. FOREMAN. Ray was of the opinion that he would be a hero. I don't know that he ever mentioned being a rich man. Before I got into the case, they had established a defense fund for him at some bank in Memphis and money had come there to the extent of about \$300 or \$400, all of which was turned over to Jerry Ray.

I think that Ray has accomplished exactly what he wanted. I think the fact that we are here, the fact that those ladies and gentlemen of the media are here, the fact that James Earl Ray is still James Earl Ray instead of number 12208, he has accomplished his claim to fame. That is what he wanted.

Mr. MCKINNEY. No further questions, Mr. Chairman.

Chairman STOKES. Thank you.

I have one or two questions, but I guess your mentioning earlier this morning being president of the National Association of Defense Lawyers in Criminal Cases causes me to reminisce a little bit.

It was 20 years ago, you and I were two of the criminal lawyers that founded that organization.

Mr. FOREMAN. I remember.

Chairman STOKES. I went on the Board of Directors and you became the second president. So, it is for me a chance to reminisce a little bit.

You know, I think it is important, Mr. Foreman, that the public understand that in terms of a criminal lawyer in defense of his client, one of the cardinal rules is that he must analyze and evaluate the evidence that will be presented against his defendant and that trial, so that he might make an intelligent judgment as to whether he wants to go on trial or whether he wants to negotiate a plea.

Mr. FOREMAN. Absolutely. I have done the same thing at least 10 times in the 50 years I have practiced law that I did in the James Earl Ray case where it was I thought, the death penalty was inevitable.

I have always, as I did for Ray, undertaken to save the life of the man. While there is life, there is hope. That is the first duty of a lawyer.

Sirhan Sirhan's lawyer, Grant Cooper, one of the great lawyers of this country, had done the same thing for Sirhan Sirhan within weeks of the negotiated plea at Memphis; that is, the district attorney and the defense lawyers had agreed to a life sentence for Sirhan Sirhan in consideration of the prosecuting attorney waiving the death penalty.

The prosecuting attorney had agreed to it. But the trial judge would have no part of it. He wanted the international publicity of him presiding over that trial. I was afraid that we might meet—that is the only reason I talked to Judge Battle.

I didn't want to get caught in the embarrassment that Sirhan Sirhan's lawyers had met when the trial judge refused to accept a plea on the recommendation of the waiver of death penalty.

Any lawyer that has ever tried cases, any lawyer that has ever held in his hands the responsibility for the life of a client, who would bet that life against the trial in my opinion should never be trusted with the life of a client.

Chairman STOKES. Also, I think it is important for the public to understand that no defense lawyer worth his salt would even attempt to make the decision in a criminal case as to whether or not his defendant will plead guilty or go to trial. That decision must ultimately rest with the defendant; isn't that right?

Mr. FOREMAN. Always, and in this case. I knew the character of Ray being what it was—and I had represented people like James Earl Ray for 40 years at that time—that he would at some time, I didn't know how soon, but actually after he had received a life sentence, under the decision of the U.S. Supreme Court he could never again get the death penalty.

So, he had everything he was bargaining for. There was no reason for him not to commence the hue and cry that has resulted in this investigation.

Chairman STOKES. I guess one other thing I would just add to that. Isn't it considered that if, as a criminal lawyer, after you have evaluated that evidence, and presented it to your client in that way, and the client then makes the decision that he wants a plea negotiated, which is a part of the criminal law system throughout the entire country, that in effect, in the case where the evidence is incriminating and damaging, and you are able to negotiate a plea and thereby save his life, you have therefore won that case.

Mr. FOREMAN. I considered it so. I consider, aside from the Ray case, the next two greatest victories I have ever had in my law practice are two cases where the defendants received life in the penitentiary. They were certain death penalty cases and it was a victory.

A defense lawyer does not need to have kept his client out of jail to have won a case.

Chairman STOKES. Thank you very much.

Are there further questions?

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Mr. Chairman, I would just like to have Mr. Foreman go back to a question that was asked earlier, and we kind of got sidetracked.

Mr. McKinney asked the question. Basically, it was what is the hard evidence to make it 100 percent certain that Ray would be convicted?

Mr. FOREMAN. Well, Ray's fingerprints were on the rifle. It is true that the rifle bullet fragmented, and there were—no—let's see, what do they call them—mounds and rivers, that is not what they call them, but anyhow the markings.

But there was every other circumstantial evidence—circumstantial evidence to a trial lawyer, at least to me, is far more important than what we call real evidence.

To distinguish it—all of the circumstances—there was no defense to the circumstantial evidence pointing to—Ray had first been shown a room across the hall which would not afford a view overlooking the Lorraine Motel.

He insisted on getting and he spent some considerable amount of time in this bathroom. There was a notch on the window sill, I saw it, where his rifle could have rested. The source of the bullet as it entered Dr. King's head, the trajectory was directly from this

window. It didn't come from a lower level. It came from above slightly.

The leaving of his identifiable laundry mark. As I have heretofore—I have tried, as I told you a while ago, at least 500 cases since I have tried this one, and I don't have total recall.

But the sum total of the available evidence, this case had been thoroughly investigated; over \$400,000 had been spent, according to one of the Reader's Digest articles, on this investigation.

There was some—there was available the admission that he had made in England before he saw Mr. Hanes or anyone else and while he was still operating from his own motivation.

I cannot detail—I could have in March of 1968—the facts, but to me the case has already been tried and is over.

Mr. FITHIAN. Did you ever consult with Mr. Hanes, who had also reviewed the evidence to see whether he agreed with you? Did you ever consult with Arthur Hanes?

Mr. FOREMAN. Well, I went to Birmingham from Atlanta a few days in November, within a week to 10 days of accepting the case, and Mr. Hanes' wife and brother-in-law and his wife took me to a club. We spent the evening together. We talked.

As to what we said, I don't particularly recall. It never occurred to me that I would be called upon to recall it. But I had difficulty getting any information from Mr. Hanes. I had to have him cited for contempt by Judge Battle to get my—whatever I did get from him.

I don't mean that he was actually cited. I filed—he was ordered by Judge Battle under the threat of bringing him to jail, if he didn't give me the material that he claimed to have.

Chairman STOKES. The time of the gentleman has expired.

Mr. FOREMAN. Sir? Oh, excuse me.

Chairman STOKES. Anything further?

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you.

Mr. Foreman, at any time prior to Mr. Ray's decision to plead guilty did you overhear any conversation by anyone suggesting that it would be wise for him to plead guilty and avoid a trial at which perhaps other names might be mentioned, coconspirators might be identified?

Mr. FOREMAN. No, sir. I cross-examined James Earl Ray for hours and the only name that he ever mentioned other than his own at any phase or time of his preparation for the killing—Dr. Martin Luther King—or the actual acts in Memphis leading up to it, the only other person's name that he ever mentioned to me was his brother, Jerry.

Jerry was with him when he bought the first rifle in Birmingham, the one he did not use because it was a lower caliber. He took it back and traded it for a more powerful one that would be more likely to kill an individual. The smaller caliber was more suited for killing small animals. And Jerry was not with him, according to Ray's statement, when he bought the gun that killed Dr. Martin Luther King; but he was with him the day before at the same place where he bought another rifle for that purpose, but traded in the other rifle. He was alone when he obtained the rifle with which he killed Dr. King.

Mr. FAUNTROY. Did your conversation with Mr. James Earl Ray indicate that Jerry Ray knew the reason for which he is alleged to have purchased the rifle?

Mr. FOREMAN. No; he was very protective of Jerry; he never said one word, and that was all; the only time ever I learned from cross-examining him, and from a slip, that Jerry had helped him with his escape from; but he didn't intend for me to know that. He first gave me two stories of it.

When I confronted him with it, he admitted it, but he did not implicate Jerry or anyone else.

Mr. FAUNTROY. And it is your testimony that the Raoul story was related to you by him as being a fraud, that is, not true?

Mr. FOREMAN. Yes, sir, absolutely. I—he suggested something that implied that I had more acuity than Bradford Huie and Hanes, that they hadn't seen through it, and that he had had to give the story about Raoul to keep the money coming from Bradford Huie.

Mr. FAUNTROY. On the mention of money, did your cross-examination satisfy you that Ray obtained sufficient money between April 23, 1967, and the time that he was arrested in June of 1968 to have purchased and have done the things that he did with the money?

Mr. FOREMAN. I missed the last few words, Mr. Fauntroy.

Mr. FAUNTROY. Were you satisfied that his explanations of where he got the money to move around for a year were adequate?

Mr. FOREMAN. Yes, sir. I satisfied myself. Whenever Ray went into a new town, like Birmingham or Atlanta, he told me he always rented a safety deposit box to keep his pistol, to keep the maids from reporting it, and that he explained every bit of money he had. It all came from robberies, except some transportation of stolen jewelry in an automobile tire from New Orleans to Mexico. I was familiar with this because I had defended other cases where the same thing had happened, jewelry taken by an automobile tire, but every expense that he had was accountable to either—he did buy some marihuana with the intent of selling it, but he got cold feet between sometime in Mexico and Los Angeles and threw it out, he said; but all of the money that he spent in his travels or for his bartending lessons or for his dancing lessons, he told me exactly where the money came from.

Mr. FAUNTROY. Did he mention specific robberies?

Mr. FOREMAN. Yes.

Mr. FAUNTROY. I wonder if you would care to recall?

Mr. FOREMAN. I couldn't recall, but one was a supermarket. I mentioned the bawdy house that was robbed. There was a robbery in Los Angeles. I'm just—I don't have a clear answer to that question.

Mr. FAUNTROY. Do you recall a bank robbery?

Mr. FOREMAN. Sir?

Mr. FAUNTROY. Do you recall his mentioning a bank robbery?

Mr. FOREMAN. Yes. That was in England, I think.

Mr. FAUNTROY. I see.

Mr. FOREMAN. He called his pistol his credit card.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Chairman STOKES. Mr. Foreman, when James Earl Ray appeared before this committee this past August, his testimony was that when he purchased the first gun, that Raoul was with him, and that Raoul was in the car and sent him in to purchase the gun. If I understand you correctly, he told you that his brother, Jerry, was with him when he purchased the first gun; is that correct?

Mr. FOREMAN. That is correct. He told me Jerry was with him, and this is the first I knew that he ever mentioned Raoul with him.

Chairman STOKES. That was his testimony before this committee. Thank you very much.

Anything further?

Mr. Foreman, at the conclusion of a witness' testimony before our committee, the witness is entitled for a period of 5 minutes in which to further amplify or explain his testimony and make any comment he so desires.

Mr. FOREMAN. I will yield that time to any member that wants to ask me. I didn't come here to carry a point, or to make one, or defend myself; I came here because I was subpoenaed and I'm ready to answer.

If I have answered the questions, why, I have no reason for wanting any additional time.

Chairman STOKES. Thank you very much, Mr. Foreman.

There being nothing further to come before the committee at this morning session, the committee will now recess until 2 p.m. this afternoon.

[Whereupon, at 12:35 p.m., the hearing was recessed, the committee to reconvene at 2 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

The prosecution in the trial of James Earl Ray has always been charged with a conspiracy to silence Ray by going along with the guilty plea.

The committee's next witness, Phil N. Canale, was district attorney for Shelby County, Tenn., at the time and, as such, was the chief prosecuting authority for the county which includes Memphis.

Mr. Canale supervised the efforts of his assistants, James G. Beasley and Robert K. Dwyer, in gathering, collating, examining, and investigating the facts in evidence surrounding Dr. King's murder. He is, therefore, one of the people best qualified to speak about the nature and quality of the State's case against James Earl Ray.

Additionally, Mr. Canale was involved in the intricate negotiations that ultimately culminated in Ray's guilty plea. Mr. Canale is presently in private law practice in Memphis.

It would be appropriate at this time, Mr. Chairman, to call Mr. Canale.

Chairman STOKES. The committee calls Mr. Canale.

Mr. Canale, do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CANALE. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel, Ronald Adrine.

Mr. ADRINE. Thank you, Mr. Chairman.

Mr. Canale, you at one time held the office of District Attorney for the 15th Judicial Circuit of the State of Tennessee; is that correct?

**TESTIMONY OF PHIL N. CANALE, FORMER DISTRICT
ATTORNEY FOR SHELBY COUNTY, TENN.**

Mr. CANALE. I did.

Mr. ADRINE. Would you tell the committee what geographic area the 15th Judicial District encompasses?

Mr. CANALE. It comprises Shelby County alone.

Mr. ADRINE. Were you elected or appointed to that post?

Mr. CANALE. I was appointed initially and it is an 8-year term. Then I was elected two or three times after that.

Mr. ADRINE. So what were your total dates of service?

Mr. CANALE. I was district attorney from March 15, 1955, until March 1, 1974.

Mr. ADRINE. Now, as district attorney, again part of your responsibility was to bring to trial individuals charged with committing felonies within your district; correct?

Mr. CANALE. Yes.

Mr. ADRINE. As a result, any individual charged with a felony occurring within Tennessee's 15th Judicial District would have been prosecuted by your office?

Mr. CANALE. Yes.

Mr. ADRINE. Did you occupy that post on April 4, 1968?

Mr. CANALE. I did.

Mr. ADRINE. That was the date Dr. Martin Luther King was killed?

Mr. CANALE. That is correct.

Mr. ADRINE. Can you recall how you were notified that Dr. King had in fact been shot?

Mr. CANALE. Well, actually I heard it on my car radio on the way home from the office that evening. I presume it was around 6:10 or 6:15 in the evening. I heard a news flash come on my car radio that Dr. King had been shot.

Mr. ADRINE. Do you recall what your first official notification was?

Mr. CANALE. Well, I was close to my home and within several hundred yards of my home so I didn't get any official notification actually, but I called my chief investigator, Mr. Carlyle, immediately when I got home and got him and his assistant investigator Mr. E. L. Hutchinson, Jr., to go to the scene and render any assistance they could at the scene.

Of course, I contacted a couple of other people at my office. I got the word that he had been shot and at that time the reports on the radio and TV were that he had expired, for all practical purposes had expired.

Mr. ADRINE. Sir, during the months that transpired after Dr. King was shot your office carried a lot of responsibility concerning the putting together of a case against whoever would be determined to be the individual who perpetrated the crime. You have turned over some documents that purport to be a personal diary of your own that you kept concerning those events.

When did you start keeping that diary?

Mr. CANALE. I didn't actually keep a running diary, but as we got further along into the case and up toward the negotiations, I just thought it would be the better part of valor to make some notations.

Mr. ADRINE. Now, according to what you have just told us a little earlier, you had two of your investigators—that is, investigators in the district attorney's office—at the scene of the crime; is that correct?

Mr. CANALE. Yes, sir.

Mr. ADRINE. Now, did the Memphis Police Department request any guidance from your office relative to preserving that crime scene on April 4?

Mr. CANALE. Well, the Memphis Homicide Department—of course, I had worked closely with them as well as my investigators over the years and they knew what we needed, but they like the assistance of my men there to look at it from a trial standpoint to keep the chain of evidence intact, et cetera.

So that was one of my purposes in asking my investigators to go to the scene and work with the police department. It was to see that all the standard procedures were followed.

Mr. ADRINE. Now, were any special procedures initiated to prepare this lawsuit, as opposed to other homicide cases which were undertaken during your term of office?

Mr. CANALE. No, sir; no special procedure. Of course, we wanted to be sure that every procedure was followed. You know, sometimes in the normal course of business sometimes somebody will slip up. But we, of course, were particularly interested in this case and that was the purpose of my people being there, to render assistance along those lines. We look at it from an eventual trial standpoint at that stage.

Mr. ADRINE. Now, sir, can you estimate how many members of your office, including the two investigators, were eventually assigned to this case?

Mr. CANALE. Well, myself and my executive assistant, Robert Dwyer, Jim Beasley—well, I think my executive assistant at that time was Lloyd Rhodes. He was assigned to handle a lot of the logistics of the case and a lot of the normal day-to-day business which was kept in motion.

Of course, once James Earl Ray was apprehended and was represented by counsel, I segmented the personnel in my office. I had a team to handle any motions that might be filed in Federal court or any motions that might be filed in State court.

As I say, we were trying to take care of the normal rather voluminous flow of business that kept going on. The logistics of the case were—I had a team assigned to that to take care of witnesses as to times of arrival to testify in the event of a trial and to house

them and transport them. I had a team assigned to the logistical aspects of the case along those lines.

Mr. ADRINE. Can you estimate or could you venture an estimate as to what the total time expended by your staff would have been on this case?

Mr. CANALE. No; I could not. It was quite a bit, as you can imagine.

Mr. ADRINE. Do you know or did you have any record as to how much money was expended by your office to further the prosecution of this case?

Mr. CANALE. Well, other than the time spent salary-wise and things of that nature, I had a good working relationship with the State of Tennessee government at that time and with the Shelby County Court. We were receiving funds for what we needed to do from each of those two bodies.

I know that Shelby County did put up the money for Mr. Carlyle, Mr. Dwyer and Mr. Beasley when we were getting ready for trial. Of course, we always liked to eyeball the witnesses, not just take a report that we get but to eyeball them and ascertain what we think of the witness as for full details getting ready for trial.

Those three gentlemen talked to every witness we were going to use all over this country and in Canada and London and Portugal, and they even had to go to Paris to get to talk to one of the witnesses who had moved to Paris or was in Paris temporarily anyway. That trip for the three of them, all over this country and partly over the world, cost less than \$4,000.

Mr. Beasley was put in charge of the money and he kept them on a hamburger diet.

Mr. ADRINE. So the major expense was for the use of personnel to collate the material; is that correct?

Mr. CANALE. I would say so. I worked it out with the State of Tennessee. At that time our State of Tennessee law allowed, I believe it was 5 cents a mile and \$10 a day, some ridiculous figure like that for per diem for a witness who was brought from out of the State.

The U.S. Government agreed to bring these out-of-country witnesses to the border of the United States and then it was up to the State of Tennessee to take that over.

So I had to go to Nashville on a couple of occasions to work with the Governor of Tennessee and his people to agree to pick up the tab for hotel rooms, meals, and so forth on any out-of-country witnesses.

Mr. ADRINE. Let's turn our attention for a moment to the actual physical evidence that was obtained by the various groups who were gathering it. Logistically, how did your office come into possession of the physical evidence or did your office come into the possession of physical evidence?

Mr. CANALE. Yes. It was normal procedure, which we followed in this case, that all the evidence eventually filtered back to the criminal court clerk who was in charge of the exhibits for the attorney general's office. My people, of course, assisted in stating how we wanted the chain kept intact on the evidence going to Washington, although the FBI was well aware of those aspects anyway.

But we did work with them to make sure that when we got the evidence back we could introduce it in evidence in court in a trial.

Mr. ADRINE. Did the same hold true with any documentary evidence that you received?

Mr. CANALE. That is correct, yes, sir, although that came to us and not the clerk; that came to the attorney general's office and not the clerk's office.

Mr. ADRINE. So it is pretty obvious that your office was dependent upon others to provide much of the material that would be used at trial.

Did any of your assistants coordinate or direct the efforts of the various fact-finding agencies that were involved?

Mr. CANALE. Well, we were all working together on this, but you are correct in that the investigative agencies, such as the FBI and the Memphis Police Department and the Shelby County sheriff's office, had the primary responsibility of gathering what evidence they could, but we all worked closely together in trying to get everything that we thought would be of any value whatsoever.

Mr. ADRINE. So if in fact there was something that your office needed, there was no problem with you either going to the FBI or the Memphis Police Department and telling them you wanted to check this thing or the other out; is that correct?

Mr. CANALE. Not a bit, no, sir.

Mr. ADRINE. What type of relationship did your office enjoy with the Memphis Police Department at this time?

Mr. CANALE. Well, I was always proud of our relationship with all of these law enforcement agencies. I used to have a monthly meeting, over a long period of time, of the FBI, the Tennessee Highway Patrol, Memphis Police Department, Sheriff's Department. We would have a monthly meeting just to try to keep our finger on everything and working together.

Mr. ADRINE. Now, was it necessary to establish any special links of communication between your office and the Memphis Police Department to expedite the flow of information between the two of you on this case?

Mr. CANALE. No, sir.

Mr. ADRINE. During the fugitive search carried out by the Memphis Police Department immediately following the shooting of Dr. King was your office consulted?

Mr. CANALE. My office did not have really too much to do with the fugitive search. If anything came up of any import, we would be advised, but actually we did not participate to a great extent in the fugitive search.

Mr. ADRINE. Did you have any particular individual with the Memphis Police Department designated to be your police contact as far as the King case was concerned?

Mr. CANALE. Well, I would say that I believe Captain Zachary was the head of the homicide division of the Memphis Police Department at that time. As I recall—of course I worked with the commissioner and with the chief, but I think most of my contacts were with Captain Zachary, the head of the homicide division.

Mr. ADRINE. How would you rate the assistance that you received from the Memphis Police Department?

Mr. CANALE. Excellent.

Mr. ADRINE. Were there any deficiencies in their work product, and if there were, could you relate them to the committee?

Mr. CANALE. I don't know of any. Of course, in any case there are always things that probably should have been done that were not done, but as far as any glaring deficiencies, I don't know of any. If we thought there were some, as far as our proof was concerned, all we would have to do is get with them and they would do anything that they could to correct the situation.

Mr. ADRINE. Now, did your staff at any time ever experience any difficulty in getting members of the Memphis Police Department to fulfill any request for information, aid, or assistance?

Mr. CANALE. No; we did not.

Mr. ADRINE. Did your office actively pursue conspiracy leads?

Mr. CANALE. My office did not in particular.

Now we would receive bundles of mail, particularly after James Earl Ray was arrested. I say bundles. We got quite a bit of mail, practically daily, from various persons who would say they had some information on the case and we ought to check out somebody.

What we would do is make a copy of that correspondence, and we had agreed that Mr. Jensen, who was the special agent in charge of the FBI there, would head up these followup investigations, which is the way we handled it.

Mr. ADRINE. So any followup investigation on material that came to your attention was directed to the FBI; is that correct?

Mr. CANALE. That is correct, yes, sir.

Mr. ADRINE. And then they would report back to you as to what their findings were concerning that information?

Mr. CANALE. Yes.

Mr. ADRINE. Now was any of that information ever directed to the Memphis Police Department?

Mr. CANALE. I am sure some of it, if it was of a local nature, would be directed there, but the FBI would be acquainted with that.

Mr. ADRINE. Did you ever receive any pressure from anyone within the Memphis Police Department to negotiate a guilty plea?

Mr. CANALE. I did not.

Mr. ADRINE. Did the Memphis Police Department play any role whatsoever in negotiating the guilty plea?

Mr. CANALE. They did not.

Mr. ADRINE. Sir, within an hour after Dr. King was shot the U.S. Department of Justice made available the services of the FBI to aid in the apprehension of parties responsible. Was this action volunteered by the Federal Government or was it requested by the authorities in Memphis?

Mr. CANALE. I cannot really answer that question. The FBI was immediately there. I am sure their participation in the case was directed by authorities higher than my office.

Mr. ADRINE. What was the nature of the relationship between your office and the FBI at this point?

Mr. CANALE. Excellent.

Mr. ADRINE. Did you have or did your office have a relationship with the Department of Justice?

Mr. CANALE. Well, we worked very closely with the Department of Justice on the extradition procedures. They sent a man, I believe

his name was Mr. Rosenberg, to work with us. He got all nervous because we southerners work so slowly, but we told him we would have the papers to the Governor on time, which we did.

But it was necessary to work with our officers and the State Department on the extradition and we all worked together on that.

Mr. ADRINE. After the extradition was completed and James Earl Ray was brought back to Memphis, did you continue to have any kind of contact with the Justice Department concerning the King case?

Mr. CANALE. I would have contact with them. They would contact me and sometimes I would have contact with them, but it was clearly understood on the front end of this thing that this baby was mine and I take any blame or any credit for anything that was done because that was the understanding. They abided by the understanding and I was never interfered with in any manner.

Mr. ADRINE. Sir, I take it from one of your earlier statements that your office had very little to do with the fugitive investigation that was mounted by the FBI; is that correct?

Mr. CANALE. That is correct; yes, sir.

Mr. ADRINE. Once the Justice Department entered the case and the FBI also, was the question ever raised as to which jurisdiction would take precedence as far as prosecution was concerned? That is, there was a fugitive or a conspiracy warrant issued by the Federal Government out of Birmingham, Ala. Was there any talk as to whether you would prosecute first or the Federal Government would prosecute first?

Mr. CANALE. I am sure there was some discussion of it, but I don't think there was ever any doubt but what the primary charge of the murder would take precedence.

Mr. ADRINE. Now, did you or any of your agents ever request specific information or specific tasks to be performed by the FBI?

Mr. CANALE. I am sure we did. I don't recall specifics. As I say, we would turn over matters which we could not investigate locally to the FBI through Mr. Jensen. I am sure that we were in contact fairly frequently. I can't remember the exact thing, but I am sure we did talk back and forth, yes, sir.

Mr. ADRINE. When you say Mr. Jensen, you are speaking of Mr. Robert Jensen, special agent in charge of the Memphis office?

Mr. CANALE. Yes, sir. He and Mr. Hester of the FBI Memphis office and Mr. Boyle and Mr. Fitzgerald, I believe his name was, we worked with quite a few of them. Mr. Jensen was the agent in charge and we went primarily through him.

Mr. ADRINE. Did your office ever experience any difficulty in securing FBI cooperation?

Mr. CANALE. We did not.

Mr. ADRINE. Now, sir, did Attorney General Ramsey Clark's statement that the assassination was the work of a lone assassin in any way influence the nature of your investigation?

Mr. CANALE. It did not. I am sure I expressed consternation. I think Mr. Clark made that remark maybe the day after Dr. King was killed. I know that we discussed in the office, well, we could not understand the remark.

Mr. ADRINE. Did the Department of Justice ever try to influence you to plea bargain with Mr. Ray rather than taking his case to trial?

Mr. CANALE. They did not.

Mr. ADRINE. Did the FBI ever attempt to have you enter into plea bargaining with Mr. Ray?

Mr. CANALE. They did not.

Mr. ADRINE. Did the FBI play any role whatsoever in the negotiations that led to Mr. Ray's guilty plea?

Mr. CANALE. They did not.

Mr. ADRINE. Now, sir, were you willing to talk to Ray if he had approached you about a guilty plea immediately after he was returned to Memphis?

Mr. CANALE. Well, of course, I wouldn't have talked to Mr. Ray or broached the subject of a guilty plea. That wasn't the way we operated. As one of the gentleman remarked, I believe Chairman Stokes this morning, that a lot of plea bargaining is part of your criminal justice system. Most of the cases I know in our jurisdiction and I presume elsewhere are handled on a plea bargain, but I have never approached a defendant or his lawyer, particularly a defendant, but I have never approached a defendant's lawyer to enter in a plea bargaining process. That is a unilateral request on the defense side to ask me if I would entertain a plea bargain.

Mr. ADRINE. If immediately after James Earl Ray was returned to Memphis his lawyer had approached you concerning the possibility of Mr. Ray entering a guilty plea, would you have been willing to talk to his lawyer at that point?

Mr. CANALE. I don't think so because we didn't have the benefit then of all the evidence we picked up after he was returned to Shelby County, Tenn.

Mr. ADRINE. So it would have had to wait until you have had a chance to go through all your evidence and decide what type of case you had; is that correct?

Mr. CANALE. Yes, sir, and to see if there was anything else involved.

Mr. ADRINE. Mr. Chairman, I wonder if the clerk could hand Mr. Canale what has been previously marked as "MLK exhibit F-268."

Mr. Canale, I think that what you have in front of you is some of the handwritten notes that you wrote down during the course of the pendency of this action; is that correct?

Mr. CANALE. Yes, sir.

Mr. ADRINE. Would you look at the second page of that document and there is a paragraph sitting just about in the middle of the page by itself. Could you read that to the committee?

Mr. CANALE. Yes. It says:

Stanton also mentioned the attitude of a lot of white citizens who have told him they would not convict Ray. We hear a lot of this, too.

Mr. ADRINE. Now, at this point do you recall hearing that type of talk around Memphis, Tenn., in 1968?

Mr. CANALE. Yes, sir, you would hear comments like that or hear people say that people were talking like that.

Mr. ADRINE. Did the possibility that you might not be able to impanel a jury that would be entirely honest with you enter into your thought process when it came to the guilty plea?

Mr. CANALE. I would say that that was one of the considerations in entertaining a plea of guilty in this case. We felt that the selection of a jury in the trial of this case would be probably the most important part of the case, but we, with this feedback coming to us, we felt that no matter how thoroughly we bore down on a jury, that there might be one juror on there who would not vote to convict Ray under any circumstances and with the dispersal of the witnesses we would have had from all over the United States and foreign countries, it caused us some concern; yes, sir.

Mr. ADRINE. Now, at some point you did in fact talk to some of Ray's attorneys concerning the guilty plea; is that correct? Or a guilty plea?

Mr. CANALE. Yes, sir.

Mr. ADRINE. Can you recall who you spoke to first?

Mr. CANALE. I think it was probably Mr. Stanton, if I recall correctly.

Mr. ADRINE. That would be Mr. Hugh Stanton, Sr.?

Mr. CANALE. Senior; yes.

Mr. ADRINE. He was at that time the public defender for Shelby County?

Mr. CANALE. And had been appointed to participate in the representation of Mr. Ray.

Mr. ADRINE. Did you discuss with Mr. Stanton what would be an acceptable guilty plea in your estimation?

Mr. CANALE. Ninety-nine years.

Mr. ADRINE. So you did have that type of discussion with him?

Mr. CANALE. Either with him or Mr. Foreman; yes, sir.

Mr. ADRINE. Now, did you discuss the guilty plea or the possibility of a guilty plea with Dr. King's family?

Mr. CANALE. Well, I did, not only with Dr. King's—not with his family but with his family's attorney. I said I made the offer of 99 years. It was held in abeyance I think before I made any offer.

When I was approached to see if I would entertain a guilty plea by Mr. Ray's attorney, I don't think I came right out and said we will let him plead guilty for 99 years. I wanted to do some ground-work. It was standard procedure to allow a person to enter a guilty plea in any case where if it were a crime of violence, if the family of the victim did not object and if we felt that the people of the State of Tennessee were getting sufficient punishment for the person who committed the crime.

I did check with Mr. Wachtel who was Mrs. Coretta King's attorney at the time. He said that he would also check with Reverend Abernathy. I checked with some Black leaders in Memphis and some white leaders who were close to the Black community and ran this by them to see if they felt there would be any undue objection to handling the case on a guilty plea.

Mr. ADRINE. And the feedback that you received from all of these people brought no objections; is that correct?

Mr. CANALE. That is correct.

Mr. ADRINE. Now, sir, I would like you to take a look at the exhibit that we placed before you before and at the bottom of

exhibit MLK F-268 there is the date 12/21/68. Would you follow or read the entry that follows that date?

Mr. CANALE [reading].

Talked this date to Governor Ellington re possible plea and he said he would back me up in anything I thought proper, and felt plea would be excellent disposition of case.

Mr. ADRINE. Now there is a continuation there.

Mr. CANALE. Yes.

Also talked to Harry Wachtel, attorney for Mrs. King, and asked him to confer with her about her feelings on plea.

He said he would and also would talk to Reverend Abernathy and get back in touch with me. I explained details of plea also to Ellington and Wachtel.

Mr. ADRINE. Thank you.

Now if you can recall, when did the initial plea negotiations commence?

Mr. CANALE. It is my recollection that, as I was trying to recall with you, that it was around the middle or past the middle of February of 1969 when I was approached about whether I would make an offer on a guilty plea.

Mr. ADRINE. Mr. Chairman, could we have the clerk hand the witness what has been previously marked for identification purposes as "Martin Luther King exhibit F-269"?

As she is doing that, I will tell you that this document is a continuation of your handwritten notes.

Mr. Canale, would you read the entry that appears under the date 12/18/68?

Mr. CANALE [reading].

Stanton, Sr., saw me after conferring at length with Foreman, and Foreman had authorized him to make inquiry of me if I would make offer on plea. I advised I did not want anyone to feel I was avoiding a trial to try to suppress the surfacing of any evidence of a conspiracy, but would discuss with Dwyer and Beasley.

Mr. ADRINE. Now can you give the committee some of your thoughts as to what you were writing down that date?

Mr. CANALE. Well, of course we had a lot of talk back then about the fact that it was bound to have been a conspiracy that resulted in the death of Dr. King and I did not have any evidence of a conspiracy, but I was trying to try to protect myself, I guess you would say. If I were going to be accused of concealing a conspiracy situation by accepting a plea, then it would cause me some concern.

Mr. ADRINE. Now there is an entry on that same page dated 12/19/68. Could you read that into the record, please?

Mr. CANALE [reading].

Advised Pollack and Owens of above and significance of a plea such as parole time, what we usually offered in such a case, manner of handling, et cetera. They advised they would discuss and let me know.

Mr. ADRINE. Now could you identify who Pollack and Owens were?

Mr. CANALE. They were with the—I will say the Department of Justice. I know they were here in Washington. I don't think they were with the State Department. I think they were with the Department of Justice.

Mr. ADRINE. And would you explain why you advised them of the request from Mr. Stanton?

Mr. CANALE. Well, I just felt that with their interest in the case that I should tell them what was going on, since we had, you know, discussed the entire case before as to the evidence and everything else.

Mr. ADRINE. Sir, to your knowledge did Percy Foreman discuss the possibility of a guilty plea with Judge Battle before he discussed it with you?

Mr. CANALE. It is my recollection that, I believe I had some notes that either Mr. Foreman or Judge Battle had told me that Mr. Foreman had talked to the judge.

Mr. ADRINE. Did you discuss the plea with the judge?

Mr. CANALE. I probably did. I think I probably did; yes, sir.

Mr. ADRINE. To what end would you have discussed the plea, sir?

Mr. CANALE. The same reason that Mr. Foreman would have discussed it, that there was something in the mill and there was not any need to go through it if the judge was not going to approve it. In our practice in Tennessee at that time a plea of guilty to an offense such as this had to be approved by the judge as well as by a jury.

Mr. ADRINE. Now, do you recall in your discussions with Judge Battle as to whether or not he reflected any concern that the Blacks of Memphis were going to burn down the town?

Mr. CANALE. Have I got that in my notes? I remember something about that. I don't know whether it came from Judge Battle or not.

Mr. ADRINE. Do you recall if he appeared to you to be overly anxious to receive a guilty plea as opposed to going to trial to avoid that type of occurrence?

Mr. CANALE. I don't think so. I don't think it made much difference to Judge Battle one way or the other, whether it went to trial or was a guilty plea, so long as there is, on a guilty plea, the sentence was sufficient to fit the crime.

Mr. ADRINE. Did you personally receive any pressure from Judge Battle to authorize the acceptance of a guilty plea?

Mr. CANALE. I did not.

Mr. ADRINE. Were the final terms of the guilty plea worked out between yourself and Percy Foreman or between Foreman and Judge Battle?

Mr. CANALE. Well, they were worked out between Mr. Foreman and myself because Judge Battle wasn't in a position to make an offer of time to him. Of course, we had various aspects of the procedure in a guilty plea, which had to be worked out—a waiver of trial, the judge posing certain questions to Mr. Ray on a guilty plea.

There was certain groundwork to be worked out if there were to be a plea.

Mr. ADRINE. Mr. Chairman, at this time could the clerk present to the witness what has been previously marked as Martin Luther King exhibit F-273.

Once again, Mr. Canale, these are some of your handwritten notes. I think that these were written out on March 5, 1968, and concerned a meeting that you had with Mr. Foreman on that date.

Mr. CANALE. Yes.

Mr. ADRINE. Would you look at the second page of that exhibit. Item 6 is marked "Procedure." Would you read that item into the record, please.

Mr. CANALE [reading].

Procedure: (a) You announce desire to—

Is that arrange plea—or—to change plea.

You announce desire to change plea and accept state offer of 99 years; (b) With jury not sworn, I will fill jury in on proposed guilty plea and sentence. If any juror objects, you and I will excuse by consent.

Mr. ADRINE. Would you continue, please.

Mr. CANALE. Yes, sir.

(b) After jury sworn, indictment will be read and you enter guilty plea; (c) If at any time after jury is sworn one or more jurors change mind, you ask for mistrial. If one or more jurors after sworn cannot approve penalty, whether he thinks it is too low or too high, you ask for mistrial. If after jury is sworn and Ray changes mind after pleading guilty, we will oppose mistrial, since issue has been joined and issue is at trial on a guilty plea.

Mr. ADRINE. Now, sir, is this an accurate reflection of the state of the law in Tennessee during the course of these proceedings?

Mr. CANALE. This has a little history behind it. Every once in a while on a case after the defense and the State agree on a sentence, on a guilty plea—I mean, yes, on a guilty plea—and the judge has approved it, when you put 12 jurors in the box you might have one juror who would say, well, one out of the 12 would say, "I think that the recommendation is too low," or "I think the recommendation is too high."

We have had experience with these before on several other occasions. This was just sort of to lay the groundwork so we could proceed with the guilty plea if only one juror should object. Just put another juror in the box, so to speak.

Mr. ADRINE. Very good.

Now, did any considerations or pressures other than the ones that you have related thus far enter into your decision to negotiate the guilty plea?

Mr. CANALE. Well, no pressures did at all. I believe we have gone into some of the considerations.

First of all, that it was—let me put it this way: I think that if you don't have consistent and equal justice under the law, then you don't have justice at all.

We had always allowed a guilty plea if we thought that the time agreed to was sufficient. Even though this case was a spotlight case, I did not see where it should be treated any differently as far as following the routine allowance of a person to plead guilty if he would take the time recommended.

That was a consideration, as we mentioned a minute ago—the fact that if the case went to trial, if you got a hung jury, you would have a hard time corraling your witnesses again. That entered into it.

There might have been—I am sure there was another consideration. I had it written—let me look—I had it written down. That is my airline ticket.

Oh, I know what the other one was. I wrote this down after I talked to you. Actually, the Governors of the State of Tennessee

had not allowed anyone who had received the death penalty to go to the chair since I believe 1960.

We didn't know whether this case would be any different or not, with maybe public pressure and so forth, but that entered into our consideration, also. No pressures whatsoever.

Mr. ADRINE. And that is from any source; is that correct?

Mr. CANALE. From no source; no, sir.

Mr. ADRINE. Now, if the negotiations had failed, would you have been in a position to take James Earl Ray to trial for the murder of Dr. Martin Luther King, Jr.?

Mr. CANALE. We were ready and able; yes, sir.

Mr. ADRINE. Mr. Chairman, if the clerk would provide the witness with what has previously been marked as "Martin Luther King Exhibit F-274."

Mr. CANALE. Yes, sir.

Mr. ADRINE. Mr. Canale, once again, this is a copy of some of your handwritten notes. I think that these were made out on March 6, 1969. In the middle of the page there is a paragraph in brackets. Would you read that into the record for us, please.

Mr. CANALE. Yes, sir.

Dwyer, Beasley, and I feel like we are sitting on a powder keg and are much more apprehensive about the guilty plea than we are a trial.

Mr. ADRINE. Would you explain that notation to the committee, please.

Mr. CANALE. Well, as Mr. Foreman mentioned this morning, Mr. Ray was sort of noted for his change of attorneys and change of mind. If you are going to trial, you know what you are going to do, and you just go on in there and put your proof on.

With Mr. Ray's background of change of mind at various times, we felt like we might get the whole thing worked out for the guilty plea and then we would get in the courtroom and then he changes his mind.

Mr. ADRINE. Mr. Chairman, I would also like the clerk to provide the witness with what has previously been marked as "Martin Luther King Exhibit F-275."

Mr. Canale, once again this is a set of your handwritten notes dated March 7, 1959. On the second page there appears in the middle of one of the paragraphs this sentence:

After conferring with Beasley and Dwyer, I agreed to take this reference out, but told Foreman if Ray starts balking to tell him to go to hell and we will go to trial.

Was that the attitude of your office at that time?

Mr. CANALE. Yes, sir. I am sure that refers to the stipulation of fact that was prepared by Mr. Beasley in my office. Mr. Ray wanted deleted the section about the Steins in Los Angeles being taken to Wallace headquarters to register for George Wallace.

That section of it didn't bother me—I mean, taking that part out didn't bother me to any extent. But I was just of the opinion—and we all were there—that if they come back with something of substance and start trying to change what we felt we could prove, if we went to trial, then we would just call the whole thing off and go on to trial.

Mr. ADRINE. Mr. Chairman, we would like the clerk to hand the witness what has been previously marked as "Martin Luther King exhibit F-79."

[Exhibit referred to follows:]

MLK EXHIBIT F-79

STATE OF TENNESSEE VS. JAMES EARL RAY

PROPOSED STIPULATION AS TO MATERIAL FACTS WHICH THE STATE WOULD PROVE IN THE COURSE OF THIS TRIAL THROUGH LAY AND EXPERT WITNESSES. IN THE COURSE OF THE PRESENTATION TO THE JURY, THE DETAILS OF THE EVIDENTIARY FACTS ESTABLISHING THESE MATERIAL FACTS WILL BE ENLARGED UPON:

1. That on April 21, 1967, defendant, James Earl Ray, bought a six-transistor Channel Master radio at the Missouri State Penitentiary and his ID No. 00416 scratched on the end and this same radio was in the blue zipper bag dropped in front of Canipe's shortly after 6:00 p.m. on April 4, 1968.
2. That as John L. Rayns defendant was employed at the Indian Trail Restaurant, Winnetka, Illinois, 5-3 to 6-24-67.
3. That on 7-17-67 defendant registered as John L. Rayns at the Bourgard Motel in Montreal, Canada.
4. That on 7-18-67 defendant executed a lease at Harkay Apartments, 3589 Notre Dame East, using the name Eric S. Galt.
5. That on 7-19-67 defendant purchased a suit from Tip Top Tailors in Montreal and this suit was recovered from defendant's luggage after arrest in London.
6. That on July 21, 1967, defendant was fitted for a suit at English and Scotch Woolen Co. in Montreal, said suit being subsequently shipped to defendant as Eric S. Galt at 2608 South Highland, Birmingham, Alabama.
7. That on August 26, 1967, as Eric Galt, defendant rented a room at 2608 South Highland, Birmingham, Alabama.
8. That as Eric S. Galt defendant rented safe deposit box at Birmingham Trust National Bank.

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9. That defendant purchased a 1966 white Mustang for \$1,995.00 from William D. Paisley and that defendant, as Eric S. Galt, transferred registration on said vehicle and obtained Alabama Driver's license as Eric Starvo Galt.
10. That on 10-2-67 defendant purchased a 1968 Alabama License 1-38993 for said Mustang.
11. That as Eric S. Galt defendant wrote letter to Superior Bulk Film Co. advising defendant was leaving for Mexico, dated 10-5-67 and would send Mexican address.
12. That as Eric S. Galt defendant entered Mexico on a tourist permit on October 7, 1967, remaining in this country until the middle of November, 1967.
13. That defendant wrote Bulk Film Company requesting refund check be mailed to Eric Galt at Hotel Rio, Puerto Vallarto, Mexico.
14. That on November 19, 1967, defendant rented Apartment 6 at 1535 North Serrano, Los Angeles, California, as Eric S. Galt.
15. That on November 20, 1967, defendant wrote letter to Superior Bulk Film requesting refund be sent to him at Serrano address.
16. That as Eric S. Galt defendant took dancing lessons at National Dance Studio in Long Beach, California, from December 5, 1967, through February 12, 1968.
17. That in December, 1967, defendant drove to New Orleans with Charlie Stein and brought Rita Stein's children back to Los Angeles after having taken Charles Stein, Rita Stein and Marie Martin to George Wallace headquarters in Los Angeles for purpose of registering for Wallace.

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18. That defendant registered at the Provincial Hotel in New Orleans as Eric S. Galt.
19. That as Eric Galt defendant used laundry service at Avalon Cleaners in Los Angeles and sheets laundered by this company recovered from his Mustang in Atlanta.
20. That as Eric Galt defendant had shorts and undershirt (recovered from the blue zipper bag in front of Canipe's) laundered at the Home Service Laundry in Los Angeles.
21. That as Eric S. Galt defendant enrolled in and attended the International School of Bartending in Los Angeles during the period of 1-19 to 3-2-68.
22. That defendant took up residence at the St. Francis Hotel in Los Angeles on 1-21-68.
23. That on March 5, 1968, defendant had plastic surgery performed on his nose by Dr. Russell C. Hadley in Hollywood, California.
24. That on March 17, 1968, defendant executed change of mailing address card from St. Francis Hotel in Los Angeles to General Delivery, Atlanta, Georgia.
25. That enroute from Los Angeles defendant dropped off a package of clothing belonging to Marie Martin's daughter in New Orleans.
26. That as Eric S. Galt defendant spent night at Flamingo Motel in Selma, Alabama.
27. That defendant rented room at Jimmy Garners Rooming House in Atlanta, Georgia, on March 24, 1968.
28. That on March 29, 1968, as Harvey Lowmeyer bought .243 cal. rifle with Redfield scope from Aeromarine Supply Co. in Birmingham, Alabama.

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29. That on March 30, 1968, defendant returned above rifle and exchanged it for 30-06 Springfield caliber Remington rifle which defendant subsequently used to shoot Dr. Martin Luther King and dropped in front of Canipe's shortly after 6:00 p.m., April 4, 1968.

30. That on March 31, 1968, defendant paid Jimmy Garner for a second week's rent and wrote name Eric S. Galt on envelope and gave to Garner.

31. That on April 1, 1968, defendant left laundry at Piedmont Laundry in Atlanta.

32. That on April 3, 1968, defendant purchased shaving kit at Rexall Drug Store in Memphis.

33. That defendant registered as Eric S. Galt in Rebel Motel, Memphis, Tennessee on April 3, 1968.

34. That on April 4, 1968, as John Willard defendant rented Room 53 from Mrs. Bessie Brewer at 422 1/2 South Main in Memphis, Tennessee.

35. That on April 4, 1968, defendant purchased Bushnell binoculars and case from York Arms Co. on South Main Street.

36. That defendant parked his white Mustang on Main Street just south of Canipe's.

37. That at approximately 6:01 p.m., April 4, 1968, defendant fired a shot from the second floor bathroom of the rooming house and fatally wounded Dr. Martin Luther King who was standing on the balcony of the Lorraine Motel.

38. That defendant ran from second floor and dropped the rifle, box, 9 rounds of ammunition, a green and brown bedspread and a blue zipper bag containing various items including:

(1) rock hammer and pliers

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- (2) April 4 issue of COMMERCIAL APPEAL
 - (3) Bushnell Binoculars, case and box
 - (4) Shaving kit from Rexall Drug
 - (5) Channel Master pocket size radio
 - (6) Two unopened cans of Schlitz beer
 - (7) Hair brush and miscellaneous toiletry items
 - (8) Pair of men's shorts and undershirt
39. That defendant left scene in his 1966 white Mustang and on the morning of April 5, 1968, left this car parked in Capitol Homes parking lot in Atlanta, Georgia.
40. That defendant picked up laundry from Piedmont Cleaners and left note for Jimmy Garner on April 5, 1968.
41. That on April 8, 1968, the defendant as Paul Bridgman rented room at 102 Ossington West, Toronto, Canada.
42. That on April 10 the defendant wrote letter as Paul Bridgman requesting copy of birth certificate.
43. That as Paul Bridgman defendant had passport photo made in Toronto.
44. That defendant as Ramon George Sneyd rented room at 962 Dundas Street in Toronto.
45. That defendant applied for passport and booked passage through the Kennedy Travel Bureau on flight to London as Ramon George Sneyd.
46. That defendant obtained birth certificate in name of Sneyd.
47. That defendant flew to London as Sneyd.
48. That defendant exchanged ticket and flew to Lisbon, Portugal.
49. That in Lisbon the defendant obtained new passport correcting last name from Sneya to Sneyd.

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50. That on May 17, 1968, defendant flew back to London.
51. That in London the defendant as Sneyd lived respectively at the Heathfield House, New Earls Court and Pax Hotel until June 8, 1968.
52. That the defendant was arrested at Heathfield Airport, London, as he was preparing to go to Brussels on June 8, 1968.
53. That in addition to the two passports, birth certificate of Sneyd, several items of correspondence, including some from Kennedy Travel Bureau, and a cash ticket from Andy's Men Shop in Toronto, Canada, dated May 6, 1968, the defendant had in his possession a 38 caliber revolver of Japanese make at the time of arrest.
54. That the defendant's luggage contained the suit from Tip Top Tailors and Scotch Woolen from Montreal and also a 220 Polaroid camera, as well as items on list furnished pursuant to request.
55. That the defendant was fingerprinted by Insp. Brine of Scotland Yard at Heathrow Airport.
56. That various items were obtained from the 1966 white Mustang in Atlanta on April 11, 1968, including: clothing, floor mats, bed linen and pillows, sweepings, "acc."; that items from Room 5B in Memphis, the bathroom at 422 1/2 South Main, items from the room of defendant at Jimmy Garmers in Atlanta and the items recovered from in front of Canipe's, as well as other physical evidence heretofore mentioned, would be the basis of expert testimony concerning ballistics, handwriting, fingerprints and identification by hairs and fibers.

In addition to the above-stipulated presentation the State expects to call one or two lay Corpus witnesses, the County Medical Examiner and two law enforcement officers.

Mr. CANALE. Yes, sir.

Mr. ADRINE. Mr. Canale, the document in front of you presently is what purports to be a proposed stipulation as to material facts in the King case. Was this document drawn up by your office?

Mr. CANALE. Yes, sir.

Mr. ADRINE. And could you relate to the committee what the purpose of that document was?

Mr. CANALE. Well, it was just to—everybody in this case, the judge and our office, were trying to dot all the “i’s” and cross all the “t’s”.

We thought that in this case we should have a stipulation as to what would be admitted the State would prove in the event we went to trial. We wanted James Earl Ray and his attorney to sign that stipulation.

Mr. ADRINE. Now, was this document, the one that is presently in front of you, reviewed by James Earl Ray and Percy Foreman?

Mr. CANALE. Well, I presume it was because, as I state, Mr. Foreman came back and said that James Earl Ray agreed with what we could prove except he wanted that reference to George Wallace deleted.

He said that Mr. Ray had initialed the pages as well as Mr. Foreman, and they had both signed the last page, as I recall it.

Mr. ADRINE. And on the original of that document, did the initials of James Earl Ray and Percy Foreman and their signatures appear?

Mr. CANALE. Yes, sir.

Mr. ADRINE. Now, the stipulation that is presently in front of you, is that in final form? Is that the form that you took before the jury on March 10, 1969?

Mr. CANALE. I think, as I recall, we had a short form and a long form. I forget which one this is, but this is basically—I think—this must be the long form because I believe in the short form we might not have used names, just events, as I recall it now.

But this is probably a copy of the stipulation which we went down before the jury in the court on the guilty plea.

Mr. ADRINE. Now, over the course of the life of this trial, or this occurrence, how many contacts would you say that you had with Percy Foreman from the time that he entered the case in November of 1968 until the guilty plea was entered on March 10, 1969?

Mr. CANALE. I would—I couldn’t say exactly. We talked a number of times on the telephone, or several times, anyway. We talked personally a number of times or several times.

I talked to Mr. Stanton, when Mr. Foreman was out of town, and Mr. Stanton would have talked to Mr. Foreman, and Mr. Stanton would talk to him quite a few times.

Mr. ADRINE. From the contacts that you did have with Percy Foreman, how would you characterize his knowledge of this case?

Mr. CANALE. Well, I think he knew what evidence we had. Of course, we didn’t know what evidence he had. But, I feel that he knew that we had what we considered to be a strong case.

Mr. ADRINE. Now, did Mr. Foreman fully utilize the available methods to discover the strengths and weaknesses in your case under Tennessee law?

Mr. CANALE. Well, under Tennessee law he was entitled to look at the physical evidence. Of course, I have no way of knowing whether he did or not. I wasn't present when he did, if he did.

He was entitled to any statement against interest made by James Earl Ray, and there was none, except maybe if you want the statement when he was arrested at the airport in London, which was a short statement which he didn't admit anything in it.

So, I don't know really—I can't speak for what Mr. Foreman did do.

Mr. ADRINE. Mr. Canale, there was an individual by the name of Charles Quitman Stephens who was one of the individuals who could give some testimony about James Earl Ray. Specifically, he has said that he saw Ray leave the bathroom in Bessie Brewer's roominghouse from which the fatal shot was fired.

How would you characterize his importance to the case that you built against James Earl Ray?

Mr. CANALE. I think, Mr. Adrine, he didn't testify he saw him leave the bathroom. I think he saw him when he checked into the room, then saw him leaving the building after the shot was fired, walking down the hall.

Be that as it may, we felt that Mr. Stephens, since he was one of the really only eyewitnesses at the scene of the boarding house—of course, we had eyewitnesses down at the York Arms sporting goods store where Ray bought the binoculars the afternoon Dr. King was killed.

But, as far as the boarding house itself was concerned, he was the only and primary eyewitness. We felt that it was important, but it was not essential testimony in the prosecution of the case. But, we thought it was important.

Mr. ADRINE. So it is your testimony, sir, that if Charlie Stephens had not been available at the time of trial, that that would not have been a fatal defect to your case, is that correct?

Mr. CANALE. That is correct, yes, sir.

Mr. ADRINE. Now, sir, at some point Stephens was held by the Memphis Police Department as a material witness. Are you familiar with the circumstances that surrounded that occurrence?

Mr. CANALE. Yes, sir.

Mr. ADRINE. Could you relate those to the committee, please?

Mr. CANALE. Something came up—I forget what it was. Of course, we knew Mr. Stephens' reputation for hitting the bottle every once in a while. We did want him as a witness.

Also, we got apprehensive for some reason or other that some physical harm might befall Mr. Stephens by someone who might not want him to testify. I did have meetings with Mr. Stephens' attorney and with the Memphis Police Department about putting him in protective custody.

Mr. ADRINE. Was he placed in protective custody at the insistence of your office?

Mr. CANALE. I would say that my office was the moving factor in it, yes, sir.

Mr. ADRINE. Now, are you aware of the fact that Stephens' wife, Grace Walden Stephens, was picked up by the Memphis Police Department and thereafter confined in a mental institution?

Mr. CANALE. Well, I know that now. I did not know it at the time. The first I learned that she had been placed in a mental institution is when some habeas corpus papers were served on me as a defendant seeking her release from the Western State Hospital.

Mr. ADRINE. Did your office have anything to do with her being placed in that hospital at all; that is, anyone in your office?

Mr. CANALE. No one, no, sir.

Mr. ADRINE. And it is your testimony that your office was not informed that she was there?

Mr. CANALE. The first time we knew she was there is when the papers were served on us when she wanted to get out. Of course, we were not going to use Mrs. Stephens as a witness anyway because she stated the night Dr. King was killed, shortly after his death, in oral and written statements, that she saw nothing.

Mr. ADRINE. Thank you.

Mr. Chairman, the exhibit that we have entered in as Martin Luther King F-279 has previously been entered into the record as Martin Luther King exhibit F-79.

Chairman STOKES. You are asking that it be entered into the record?

Mr. ADRINE. It has already been entered into the record. So, the second entry is not necessary.

Chairman STOKES. All right.

Mr. ADRINE. We have no further questions.

Chairman STOKES. The committee will operate at this time under the 5-minute rule.

Mr. Canale, the time that the Ray case came up, you had been district attorney general for how long a period of time?

Mr. CANALE. For 13 years.

Chairman STOKES. And during that period of time, I assume you had tried many murder cases?

Mr. CANALE. Yes, sir. I used to try them when I was younger and more energetic, until my administrative duties got me. But I tried a number of them while I was an assistant attorney general from 1948 to 1952, and then tried a number after I became attorney general. But then I sort of got out of the courtroom as the years went on.

Chairman STOKES. I see. In terms of the evidence that had been compiled by your office for the purposes of going to trial, how would you evaluate that evidence in terms of your own opinion as to your ability to have gotten a conviction in that case?

Mr. CANALE. We felt confident of getting a conviction.

Chairman STOKES. Now, you mentioned a few moments ago a statement that Ray made upon his capture at the airport in London. Do you recall what the statement was?

Mr. CANALE. As I recall it, Mr. Chairman, when he was taken in this room, after being asked out of the passenger line, was that he put his head in his hands and dropped his head and said, "My God, I feel so trapped."

Chairman STOKES. Was there any further statement made by him at that time?

Mr. CANALE. No, sir.

Chairman STOKES. Was there ever an attempt to get him to make either oral or written statements regarding the crime?

Mr. CANALE. Mr. Chairman, it was my understanding that his attorneys in London, I think he was at first represented by a public defender, and then Mr. Hanes—the people who brought—this is my understanding—the people who brought Mr. Ray back to the United States from London were instructed by Mr. Ray's attorneys that he was not to be asked any questions and they did not want him to answer any questions.

I, of course I would never, without consent of counsel—I would never try to talk to a defendant.

Chairman STOKES. I have just one further question. I looked at the stipulation of facts here which appears to me to be one of the most comprehensive I have seen in a criminal matter. I guess my question to you bears on the question of conspiracy and the allegations of conspiracy.

Just for the record, would there be any reason in the world for you to engage in a conspiracy to silence James Earl Ray in this case?

Mr. CANALE. Mr. Chairman, I know of no reason. Of course, I don't think I have to tell you I wouldn't do it anyway, but I know of no reason. He has not been silenced. I believe he has testified before this body here to a great extent.

No; I would have no reason to try to keep him silent.

Chairman STOKES. Thank you very much, Mr. Canale.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Canale.

I think your testimony surrounding the plea here has been very straightforward and very helpful.

One thing that has been a puzzle to many of us is the statement that Ray made at the time the guilty plea was entered in court, a rather curious disclaimer which he made apparently in response to a statement that was read into the record by Hoover and Ramsey Clark, in which Ray said something like he accepted the guilty plea, except on this conspiracy thing, or something of that nature.

Now, could you give us your recollection of that. In particular, why, when such a disclaimer was made, was Ray not put on the witness stand and questioned at some length as to what he meant by that statement?

Mr. CANALE. Mr. Preyer, of course I was sitting practically right in front of James Earl Ray while these proceedings were going on. Of course, I heard the statements he made very distinctly.

I cannot tell you—I heard Mr. Foreman give his explanation as to why he thought that James Earl Ray would make such a statement. I really have no idea. I do know that after he made that statement, that Judge Battle went back and requestioned him along some of the lines he had already questioned him about.

Now, why Judge Battle didn't put him on the stand, I don't know. But Judge Battle was questioning, even though he was not on the stand. I couldn't answer that question, Mr. Preyer.

Mr. PREYER. Well, did Judge Battle or anyone else question him as to what he meant by this conspiracy thing?

Mr. CANALE. I don't recall that, no, sir.

Mr. PREYER. Did he in effect just ask him do you accept the guilty plea or not?

Mr. CANALE. To the effect that you still say you are guilty under the law, which sort of indicated even if there were a conspiracy, he would be guilty of what he was pleading guilty to anyway.

Mr. PREYER. In any of the questioning of Ray by the police or by your office, to your knowledge was there ever any questioning of him along the lines of whether there was a conspiracy or not?

Mr. CANALE. Mr. Preyer, our office did not—we would have loved to have talked to Mr. Ray, but we were not afforded that opportunity by counsel for Mr. Ray.

I feel sure that the police never attempted to question him for that reason, also, that he was represented by counsel when he got back into our jurisdiction.

Mr. PREYER. Thank you, Mr. Canale.

I have no further questions.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. Canale, are you in the private practice of law now?

Mr. CANALE. Yes, sir.

Mr. DEVINE. You don't hold any public position?

Mr. CANALE. No, sir.

Mr. DEVINE. And you went on the bench after having finished your term as District Attorney?

Mr. CANALE. No, Mr. Devine. I was an assistant attorney general from 1948 to 1952. Then I went on the municipal bench from 1952 to the time in 1955, March, when I became district attorney.

Since I retired as district attorney in March of 1974, I have, with a brief interim there where I took a special position with a bank, I have been in the private practice of law.

Mr. DEVINE. In Memphis?

Mr. CANALE. In Memphis, yes.

Mr. DEVINE. I see.

Mr. Canale, as a former prosecuting attorney myself I want to commend you on the totally thorough and professional job you did, not only in logging in your personally handwritten notes outlining what occurred, but also in what appears to be a totally complete stipulation of facts.

Mr. CANALE. Thank you, sir.

Mr. DEVINE. You did an excellent job. Thank you.

Mr. CANALE. Thank you, sir.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. Canale, you indicated several times in your testimony that Mr. Ray had a record, it appeared to you, of pleading guilty and then withdrawing pleas; is that true?

Mr. CANALE. Well, what I was referring to, Mr. Fauntroy, in particular was on a couple of prior occasions, as I recall it now, in a trial in Missouri, I believe one of his robbery trials up there, he dismissed his lawyer in the middle of the proceedings and went ahead to represent himself.

That is my recollection. Something came up.

Then we had heard that on another prior occasion he, in order to get a continuance of a case, he had dismissed his attorney the day of trial or the day before trial.

Mr. FAUNTROY. And that was the reason for your reservation about going to the guilty plea proceedings and the reason for your note that if he did not go through with it, you would go to trial?

Mr. CANALE. Yes, sir.

Mr. FAUNTROY. I wonder if you could care to explain to the nonlawyers among us what that pattern of response to possible trial suggests about a defendant.

Mr. CANALE. I don't believe I quite get the question, Mr. Fauntroy.

Mr. FAUNTROY. Well, you apparently have been through this many, many times with different kinds of defendants.

Mr. CANALE. Yes, sir.

Mr. FAUNTROY. What immediately comes to your mind when a defendant has a pattern of doing that—what impression do you get of the defendant?

Mr. CANALE. That he is—he doesn't want to be sent behind the big walls, he wants to stay where he is. He wants witnesses to die. He is looking for something, some event to occur that will be in his favor.

Of course, the longer a defendant can put off his trial, the better his opportunities are for witnesses dying and witnesses forgetting and evidence being lost and things of that nature.

Mr. FAUNTROY. So that you would answer that it is a sort of delay tactic in your view generally?

Mr. CANALE. Yes, sir. Yes, sir.

Mr. FAUNTROY. Thank you.

Thank you, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Canale, you said that you felt confident of a conviction had you gone to trial. What were the major hard pieces of evidence you intended to utilize to gain that conviction?

Mr. CANALE. Well, of course, we had the physical evidence with the fingerprints. We had the evidence of the time that Ray spent in that bathroom. We had the triangulation of the trajectory of the bullet which fit right in with the circumstances of the locale there.

We had the fact of Ray buying the rifle which was found down on Main Street. We had the fact of the binoculars bought the afternoon Dr. King was killed.

Everything pointed to the fact that the new boarder in the boardinghouse on Main Street had fired a shot from the bathroom window. That boarder was James Earl Ray.

We felt we could have proved that.

Mr. FITHIAN. Do you have any reason to believe, then or now that Mr. Ray acted other than by himself?

Mr. CANALE. Mr. Fithian, as you might recall on the day that Mr. Ray pled guilty—and I have told your investigators I would rather be lucky than smart—I made the statement to the jury that there had been a lot of talk about a conspiracy, that I did not know whether there was a conspiracy or not.

I still do not know whether there was a conspiracy or not, but I told the jury, as I state to you gentlemen now, that all the evidence we had pointed to the fact that James Earl Ray killed Dr. Martin Luther King, Jr. It did not point to anybody else.

We had no competent, concrete, probative evidence at all that would indicate that there was any conspiracy involved in Ray's killing of Dr. King. I am of the opinion, as I know all of you gentlemen are, that you might suspect somebody might have known what he was going to do, but thank God in this country we are not indicted nor tried on conjecture, surmise, guess, public pressure, or anything of that nature.

We did not have, from all of our evidence, one iota of evidence that there were conspirators involved. You still hear rumors about that. I don't know. I just say then—I don't know what you have now—but then we had no evidence, no hard evidence, probative evidence, of a conspiracy.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. I have one or two other questions.

Did you ever become aware of the fact that Ray contended that he was duped into this situation by someone by the name of Raoul? Did you ever learn of that?

Mr. CANALE. I believe I read that in William Bradford Huie's Look magazine articles or something of that nature. But we never, in our investigation, or the information we received in our investigation, or our handling of the case, came across anything that could pinpoint anybody like a person named Raoul being involved.

Chairman STOKES. How long after the entry of his guilty plea was it before he contested that plea?

Mr. CANALE. Mr. Chairman, I think I have read this. You know, my memory fades as to the number of days. I think it was a few days, as I recall it, after his guilty plea that he wrote a letter to Judge Battle or something of that nature.

Chairman STOKES. Now, pursuant to his contest of the entry of the plea, has he ever at any time to your knowledge entered into the courts any newly discovered evidence relating to his conviction?

Mr. CANALE. Not to my knowledge. I do know, I was a witness—the only time I ever lied under oath, too—I was a witness at the habeas corpus hearing in the Federal district court in Memphis, and I know that was a full hearing because I worked for hours with the members of the State attorney general's office who handled that for the State of Tennessee.

That was a full, really a full-scale hearing. I don't think anything could be better than that. Let me explain my remark about lying under oath, if I may.

I was asked a question by Mr. Fensterwald or Mr. Lazar—I believe it was Mr. Lazar was cross-examining me—and he said:

You were present in the grand jury room when William Bradford Huie was called before the Shelby County grand jury?

I said I was not. I had no recollection of that. So, they showed me the transcript of the testimony of Mr. Huie before the grand jury and it has up there present was myself. I said, "Well, you better

believe the record rather than me." I had just forgotten all about that.

Chairman Stokes. All right.

Is there anything further?

Mr. ADRINE. Mr. Chairman.

Chairman Stokes. Mr. Adrine.

Mr. ADRINE. At this time could we please have Martin Luther King exhibits F-268, F-269, F-273, F-274, and F-275 entered into the record.

Chairman Stokes. Without objection, they may be entered in the record at this point.

[The exhibits follow:]

12/18/68

At 2:15 P.M. Attorney Stanton Sr. came to office + said he had conferred at length with Percy Foreman today, + that Foreman had authorized him to inquire of me if I would make an offer of punishment to Ray on a guilty plea, which would be conveyed to Ray. Stanton had no idea whether or not Ray wanted to, or would, plead guilty. Stanton discussed the length of time the court would probably be tied up during trial, fact that even if jury gave death penalty, the Supreme Court would probably not let it be carried out, + also discussed info he had about the violence which could be expected in Memphis - perpetrated by outsiders coming into Memphis + during the trial.

I advised that ~~the~~ one thing that militated against my making an offer was fact that if we did not have a trial, it might be thought that I was trying to suppress the surfacing of any possible conspiracy in this case, but that I would discuss this with my lawyer + Beasley, + that I would know in the near future.

I also brought to his attention that since he had been appointed

by the Court at one time to represent witness Stephens on material witness matter, Stanton might want to talk to court about a possible conflict of interest. Stanton said this did not bother him, since he is going to let Foreman deal with Ray, & his assets. will do the leg work.

Enc

Stanton also mentioned the attitude of a lot of white city who have told him they would not convict Ray! We hear a lot of this too.

12/19/68 1:15 P.M.

Talked by phone to Pollak & Baldwin regarding above, & they will make it over & let me have their opinion.

I also inquired of them that since Fed. conspiracy warrant is outstanding vs. Ray, could Foreman under Fed. rules of discovery get FBI file. They said no, & that even if he were under indictment, Foreman could only get statements of apts. & evidence & lab reports.

I explained to them the significance of a plea - made to the offer on plea, manner of handling plea, etc.

12/31/68

Talked this date to Gov. Ellington

no possible plea, & he said he would
leave me up in any thing I thought
proper, & felt plea would be favorable
disposition & case.

Also talked to Harry Wachtel, Prof.
for Mrs. King, & asked him to
confer with her about her feelings
on plea. He said he would, & also
would talk to Rev. Abernethy, &
get back in touch with me.

I explained details of plea also
to Edington & Wachtel.

Enc

11/2/69 - I advised agents Hester & Boyle
of above, & they said they would notify
Ganss & Hoover. Also, Stanton called
today & said he had not given info
re possible guilty plea to newspaper
(See C.A. article attached) - that Edmin-
ton had talked to him, & Stanton
advised that Edmiston not print any-
thing about the "rumor". That was
enough for Edmiston to write a letter
story!

arrange matters = covering com-
munications, and no plea negotiation

1. 12/18/68

- MLK Exhibit F-269 -

Stanton Sr. saw me after conferencing
at length with Foreman, & F. had
authorized him to make inquiry
me if I would make offer for plea.
I advised I did not want anyone
to feel I was avoiding a trial. To
try to suppress the surfacing of
any evidence of a conspiracy, but
would discuss with Dwyer & Bailey

2.

12/19/68

Advised Pollack & Bowers of above,
& significance of a plea (level is
parole time), while we usually
offer in such a case, manner
of handling, etc. They advised
they would discuss & let me know

3.

12/29/68

Stanton Sr. called and said he was
going to call Foreman, & wanted
to know about plea offer. I advised
I would wait - before making
any offer - for Ray to request his
attys. to get an offer from me,
rather than my making an
offer not officially solicited by Ray.
Stanton called later in day,
said above was O.K. with Foreman
& F. would come to Memphis in
near future to make arrangements

4.

12/31/68

Advised Hon. Ellington - O.K. with

him. Also Watched - City for Mrs. King
& he said he would discuss with
Mrs. King and Rev. Abernathy, and
get back in touch.

⑤ 1/2/69

Advised Agents Hester & Boyle of
above, and they said they would
notify James & J. Edgar Hoover.

6. 1/21/69

Battle said Foreman in town and
wanted to inquire re guilty plea.
Wanted life.

⑦ 1/27/69

Talked to Turner & Dryll

8. 1/29/69

Battle called and said Foreman
advised him he is still thinking
of trying to work out a plea at
the appropriate time

9. 2/20/69

Battle called & said Foreman
wanted to talk to me. F. wanted
me to call him at Peabody. Time
stayed busy, + a couple of hours.
Later Battle called me & said F.
had called Battle & left from
airport & was on way to Houston

10. 2/20/69

at meeting about summer court

conference with Foreman 3/5/69 in my office:

Stipulate mock-ups.

1. Rumors flying around Scripps-Hawes. Tom Tully called me from N. Y., & then Ray Hamilton, the guilty plea. Have you checked this?
2. What announcement to be made, & when. If announcement is made on guilty plea, it should come from you. If you want it said that you have requested Ray to bring it into court Monday, & want me to say that, O.K.
3. Get waivers signed. We'll type them if you wish.
4. You & Ray sign stipulation & O.K. it. We'll embellish on stipulation as far as names of witnesses in our announcement to jury. Do you agree not to make copies of stipulation, & not disseminate it in any way, under any circumstances.
5. Ind. wants name to appear. List of questions he will propound to Ray.

State is saying it is case on the time, so we must insist you agree to follow this procedure.

3/5/9

6. Procedure:

a) You announce desire to accept plea had accept state offer of 52 yrs.

b) With jury not sworn, I'll file jury in on proposed guilty plea & sentence. If any juror objects, you & I will leave by consent.

b) After jury sworn, indictment will be read and you enter guilty plea.

c) If at any time after jury sworn, one or more jurors change mind, you ask for mistrial.

If one or more jurors, after sworn, cannot approve guilty (whether he thinks it is ~~too~~ too low or too high), you ask for mistrial. ~~When~~ ~~opportunity to take the~~

If after jury is sworn, & Ray changes mind after pleading guilty, we will offer mistrial since issue has been joined & issue is at trial on a guilty plea.

7. After we are through with our proof, you announce that you regret that state would have proved what has been stated as evidence.

3/6/69

courtroom Monday the 10th, & Battle
would then let Charles Holmes
disseminate this info.

Dwyer, Bessley and I feel like
we are sitting on a powder keg,
and are much more apprehensive
about the guilty plea than we
are a trial!

Folman asked how long would
it be before Ray were transferred
to pen, & I advised I felt that
Sheriff would waste no time.
F. did not want any pictures
made of Ray at his transfer
(Ray requested this of Folman)
and I suggested to take this up
with Sheriff. F. said he would
ask Battle to order that no
pictures be made.

3/6/69

368

Snayl in his present application. Ray at first did not want to plead, & said even if he got chair it would be 20 yrs before he was executed, & he & Foreman would both be gone by then. But F. pointed out to him that there is a lot of difference in public attitude in 1969 compared to 1961.

(This is what we had already planned to argue to jury).

In portion of stipulation regarding Ray taking Stein & Stein to register for Asa. Wallace, F. says Ray tries to avoid any references of a political implication (although F. says Ray does not like negroes), & Ray says he did not ask Stein, etc. to register for Wallace, but only gave them a ride to Wallace's house because Ray was going near there to buy some tires.

F. said Ray has figured his chances of acquittal are 70 to 30 in Shelby County, because the total vote in Shelby County for Wallace and Nixon was 7000 !!

3/7/69

At 11:00 A.M. Foreman brought to my office the waiver of trial request, the judge's proposed order ~~for~~ direct, and the "short" stipulation, all initialed and signed by Ray & Foreman. He says everything is still as scheduled for Monday.

The Judge has released info that F. Lee requested Ray to be brought into courtroom Monday 3/10, & the news media has started flooding me!

I have placed call to Bob Owens or Jerry Howard at Dist. of Justice to advise them there may be a development of note Monday. Neither was in - I left word to call.

Pmc

Owens called, & without telling him what was going to happen Monday, I advised him a development would take place of importance, & he guessed what it was & I asked him to ~~advise~~ that the Bureau had been advised.

At 1:20 P.M. Mr. Morris came to my office, ^{and said} that complete security would go into effect this

3/7/69

Foreman called me from airport at 2:05 P.M. + said he had gotten long note from Ray asking that reference to Wallace be taken out of stipulation saying he would like to try the Democrats and Republicans if this were to be an issue. After conferring with Bradley + Sawyer, I agreed to take this reference out, but told Foreman if Ray starts bolting, to tell him to go to hell & we'll go to trial.

F. said Ray's brothers also objected to the reference & asked that it be deleted.

Ray further told Foreman that since he only got into case 2 days before the scheduled trial Nov. 12, Ray just might discharge him and go to trial represented by Stanton.

Proc

Mr. ADRINE. Thank you.

Chairman STOKES. Mr. Canale, at the conclusion of a witness' testimony he is entitled under the rules of this committee to 5 minutes in which he may expand or amplify on the testimony he has given to this committee.

I would extend to you at this time 5 minutes for that purpose.

Mr. CANALE. Thank you, Mr. Chairman.

I don't want to make any statement. I appreciate what this body is doing. As you know, I have worked many hours with your investigators during the course of this investigation, and they have always been most cooperative, and they have done a fine job.

People will criticize me because I didn't put James Earl Ray to trial, because if he had gone to trial he would have taken the witness stand and they would have uncovered a big conspiracy.

Well, that is purely conjecture. Whether he would have testified in the first place or not, I don't know. Whether he would have brought out anything then which he has not brought out since then, I doubt.

So, I did the best I could under the circumstances.

Chairman STOKES. Well, we certainly want to thank you for the cooperation you have given our investigative team and for your appearance and your testimony here today.

Thank you.

Mr. CANALE. Thank you. I appreciate your courtesy.

Chairman STOKES. Thank you.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

James Earl Ray has contended that the conditions in Shelby County Jail while he was awaiting trial were so brutal that they created a strain that helped drive him to a decision to plead guilty.

Our next witness, Dr. McCarthy DeMere, was the physician who examined Ray during the period of his incarceration in Memphis.

Dr. McCarthy DeMere was appointed attending physician to James Earl Ray on July 19, 1968, by Sheriff William N. Morris. He was given the assignment, so it is said, because security was uppermost in the minds of the Memphis authorities, and Dr. DeMere was in fact serving as a reserve deputy sheriff at that time.

Dr. DeMere was responsible for seeing to it that Ray remained in good health. Consequently, he visited Ray on numerous occasions.

It would be appropriate at this time, Mr. Chairman, to call Dr. DeMere.

Chairman STOKES. The committee calls Dr. DeMere.

Would you stand and be sworn. You solemnly swear that the testimony you will give before this committee is the truth, the whole truth and nothing but the truth, so help you God?

Dr. DEMERE. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel Mathews.

TESTIMONY OF McCARTHY DeMERE, M.D., PLASTIC SURGEON; ALSO AN ATTORNEY AT LAW, MEMPHIS STATE UNIVERSITY LAW SCHOOL

Mr. MATHEWS. Thank you, Mr. Chairman.

Dr. DeMere, will you state your name and occupation for the record, please?

Dr. DEMERE. Doctor McCarthy DeMere, plastic surgeon.

Mr. MATHEWS. And how long have you been licensed as a plastic surgeon?

Dr. DEMERE. I have been in the practice of plastic surgery in Memphis since 1950; 28 years.

Mr. MATHEWS. Is that the only degree that you hold, that of plastic surgeon?

Dr. DEMERE. No; I also have a law degree and do not practice law, but I teach legal medicine, Memphis State University Law School.

Mr. MATHEWS. Have you also had the opportunity to do extensive work with local police departments?

Dr. DEMERE. Yes. I was a reserve deputy sheriff in Shelby County, beginning about 1965 and extending about 6, 8 years.

Mr. MATHEWS. What exactly are the duties of a reserve deputy sheriff?

Dr. DEMERE. Well, a reserve is just that; he is held in reserve to a regular officer, in case of need of a community. It is the same thing as community work, Lion's Club.

I also was involved with the Sertoma Club which sponsors Boystown; and we serve 8 hours a week on active duty and do the same duties as the regular officers. We have to take a period of training, 6 months, academy training, and actually all phases of police work we enter into with the activities.

Mr. MATHEWS. Dr. DeMere, let me direct your attention to the spring of 1968. Were you aware or involved in any planning by the Memphis authorities, the purpose of which was to guarantee the safety of the accused assassin of Dr. King when captured?

Dr. DEMERE. Yes.

Mr. MATHEWS. How did this knowledge come to your attention?

Dr. DEMERE. Actually, the sheriff, William Morris, called me, very informally, and asked me to come by his office. Now, we knew in Memphis that Ray was going—he had already been captured and we knew that he was going to be brought back at some time; and there were articles in the newspaper and on the television and so forth; but I had no earthly idea I would be involved in it.

He called me down—and I had operated on him for something minor—and he told me he wanted to see me in his office, and it was my afternoon off, so I said, "OK, I'll go down," and I said, "Is there any rush about it?" He said, "Well, I would like you to come down this afternoon."

So I said, "OK." I went down there and in his outer office the secretary had me wait. There was another gentleman waiting there, too, and they kept me waiting quite some time.

Do you want me to tell you how I got involved?

Mr. MATHEWS. Yes, please.

Dr. DEMERE. He was waiting also, and he began a conversation with me, and he wanted to know why I, as a doctor, would be involved with police work and so forth; and so I told him, and explained the reserve system to him and the training we had to have, and explained to him that I actually did ride in a squad car and I had served in jail, I had done dispatcher work. And after

about 30 minutes he said, "Well, I think you'll do." and I didn't know what he was talking about.

Then he took me into another office and there were about 10 or 12 people in there, including the sheriff. They introduced me to all of the people. Then they explained that I was going to be the doctor to examine Ray when he was brought back to the United States. They didn't give me too much choice about it.

Mr. MATHEWS. Do you recall who else was present in the room besides the sheriff?

Dr. DEMERE. Actually, I have been trying to recall the name of the man in the outer office; he was with the Bureau of Prisons; and in the inner office was the sheriff and representatives from the TBI, the Tennessee Bureau of Investigation; some representative from the FBI, from Washington; and Mr. Jensen—I remember him—a member of the Memphis Police Department. I don't recall. There were quite a few. And Chief Adcock, he was there. He was the chief deputy at that time.

Mr. MATHEWS. So the purpose of that meeting was to organize the strategy, the policies that related to James Earl Ray's return to this country from England; is that correct?

Dr. DEMERE. Right; correct.

Mr. MATHEWS. So, I take it, there came a time when you met James Earl Ray?

Dr. DEMERE. Yes.

Mr. MATHEWS. Can you give us the details of that first meeting?

Dr. DEMERE. Well, this first meeting they briefed me that I was to tell no one anything about the meeting, or that I was to be the physician. It was very strict secrecy. I was not even to tell my wife, family, or anybody else, no other doctor or anybody; and they didn't tell me when it was going to be, how soon, nothing; but they said, "We'll pick you up when it's time," and this did happen, and it was about 2 days after that first meeting they picked me up, took me to the sheriff's substation. That is a station out at the edge of town. And I said, "Well, I'd better call my family." He said, "No, you don't call anybody."

Everybody was incommunicado then. He said, "We'll notify people for you." And we waited quite some time; then everybody gathered in one of the classrooms out there and Chief Adcock—he was in charge—and it was a briefing, just like a football briefing, had a blackboard; and they said, "We're going to have a tank." They called it Thompson's Tank from Jackson, Miss. This was an armored sort of a car; even told us how thick the armor plate was. The reason I remember that is the thinnest part of the tank was where I was going to sit, and so they said everybody that was to be involved was in the room and——

Mr. MATHEWS. Let me break in. You say "everybody" and "we"?

Dr. DEMERE. Yes.

Mr. MATHEWS. Give me some names, some people, some organizations.

Dr. DEMERE. The same group that was in that first room, they were present, and several—I would say there were about 20 deputy sheriffs there, some in uniform, some not. I was not in uniform that night.

The outline was the pathway that the tank was going to take after Ray was picked up—we were told then that we were going to pick up James Earl Ray—and the alternatives, if they get blocked one way, to go the second. There were three alternatives.

Also, if the first driver of the tank got killed who would take over as the second driver. If the second driver got killed, then who would take over as the next driver.

Then, after that, I was to grasp Ray and jump out and get in a ditch and lie on top of him and protect him. They didn't tell me where to go from there, but that was the briefing.

Then we left in squad cars and we went to Millington. Now, Millington has an Air Force base, Naval Air Force base. We met the plane; we waited and then the plane came in and there was a ring of deputies around the plane and each one of them had a machinegun; and that bothered me more than anything else because I knew they were—and some of them I didn't think knew how to use those things. They had a ring around the plane completely.

Then the sheriff and somebody else went up into the plane and the medical officer came down. He was a British medical officer. He came down and talked to me, and he told me that I had better be careful, that he thought that Ray was suicidal, and I asked him why, and he said:

Well, we haven't been able to get him to say a single word during the whole trip, not one word. He won't answer a thing, nothing.

So I said, "OK. We'll note that." And then I went into the plane. We stripped Ray completely and I did a complete examination, as completely as we do for prisoners that we pick up, gave him a new set of clothes and put him in an arm straitjacket.

Mr. MATHEWS. When you say complete examination, briefly describe what did you do.

Dr. DEMERE. Well, actually I had to sign papers that he was in good physical condition from England, and I examined him for injuries, bruises. I did not take his blood pressure or anything like that, but I did check his reflexes, looked into his mouth to see that there was no blood, and his nose, and just thoroughly—his pulse, listen to his heart—and then I pronounced him in apparent good health, waited until he got down to the jail to do a more complete exam. But at that time he was, in my opinion, in good health. So I signed the paper that the British physician gave me and then we got in the tank and I sort of acted as his seatbelt, to see that he didn't fall, because his arms were bound; and then we made the trip, uneventfully, into Memphis and to the jail.

Mr. MATHEWS. You accompanied Mr. Ray to the jail?

Dr. DEMERE. Yes; and then to the unit where he was going to be kept. He was taken directly to this unit.

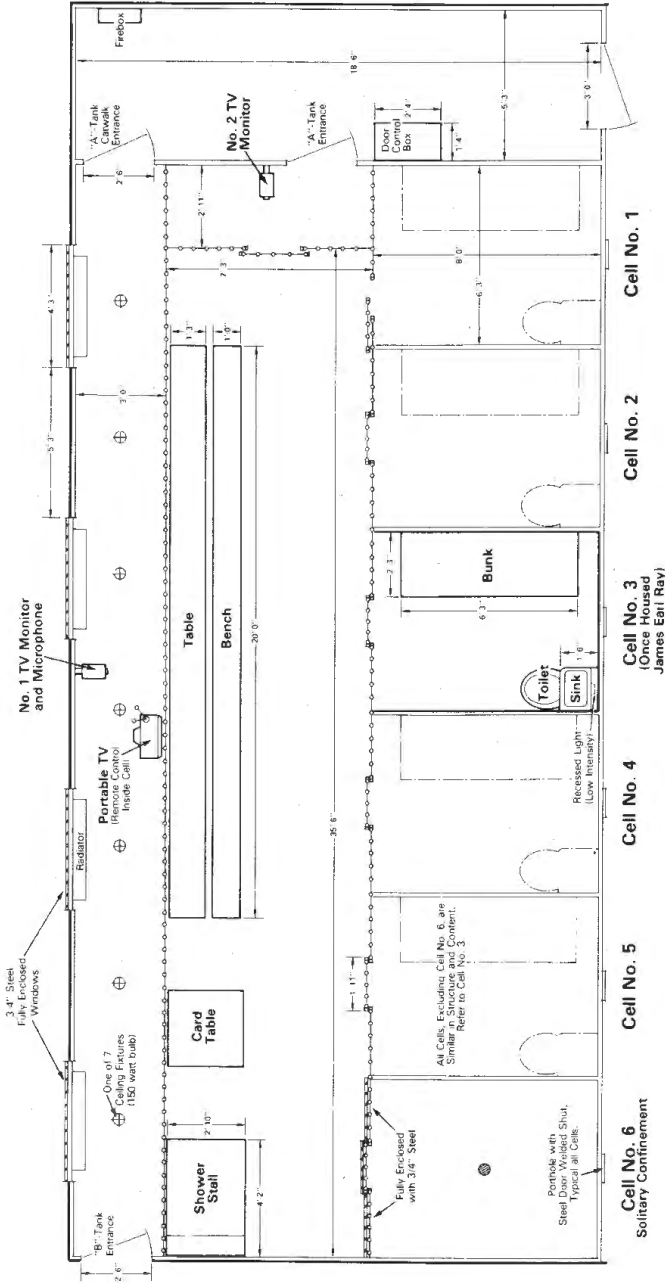
Mr. MATHEWS. Dr. DeMere, I would like to show you an exhibit which has been premarked MLK F-266. Can you identify this exhibit?

Dr. DEMERE. Well, from here it's difficult.

Mr. MATHEWS. Mr. Chairman, I would like to present MLK F-266 as evidence to be made a part of the record.

Chairman STOKES. Without objection, it may be so entered into the record.

[The information follows:]



MLK EXHIBIT F-266

Mr. MATHEWS. Well, would you step up to the exhibit, please? Can you put the mike on the witness, please, and hand him the pointer, please, Joyce?

Can you identify this exhibit, Dr. DeMere?

Dr. DEMERE. Yes.

Mr. MATHEWS. Would you state what it is, please?

Dr. DEMERE. Sir?

Mr. MATHEWS. Would you state exactly what the exhibit is?

Dr. DEMERE. This is the A tank that was on the third floor of the jail, where we took Ray. This is the entrance coming in here, and right outside the door here was a desk, where one of the deputies recorded who went in and who went out.

At first we had them sign their names and so forth.

Mr. MATHEWS. Could you speak up, Doctor? Your voice is trailing.

Dr. DEMERE. Well, I think it is this mike. Do you want me to just hold it?

Mr. MATHEWS. Try that.

Dr. DEMERE. OK. In through this door, double doors, one door had to be closed before the other one would be opened, no way to have them both open at the same time.

Then in through this main corridor, which is about 35 feet long, and these are cells, regular cells, where ordinary prisoners were kept; and this one was for Ray [indicating] and here is a bunk, the sink and the toilet. These are bars here through which you could see both in and out.

Now, over here on the other side was A, perpendicular bars, and there was no entranceway to this corridor from inside the unit, none whatsoever, to get to this outside corridor, completely out of the unit.

In the corridor itself was a television set.

Mr. MATHEWS. Did Mr. Ray have access to the TV set?

Dr. DEMERE. Yes; he had a changer. He could change it and did change it while I was present many times.

The other things about it—this was a monitor, TV monitor, right here [indicating] and one over here, and there are also lights, at first quite bright, in this entire unit.

Down at this end is the shower stall, cardtable, and this cell right here, No. 5, I equipped as an operating room. At first we had everything that we would need for any type of emergency surgery. I am a diplomate of general surgery as well as plastic surgery, was capable of doing any type of emergency work without taking him outside of this unit.

We did not have instruments in here; we kept all of the instruments out. We didn't keep the anesthetic machine in here. We didn't keep any drugs in here. This was the basic.

We had the floor fixed so that it was grounded, and so forth.

Mr. MATHEWS. Let me focus your attention on this matter, Dr. DeMere:

James Earl Ray was the only prisoner in Tank A, as I understand it; is that correct?

Dr. DEMERE. Correct.

Mr. MATHEWS. Did he have access to the entire open area which you describe as about 35 feet?

Dr. DEMERE. Yes. Every time I was ever in this unit, all of these doors were open; they were all open. There was always two guards present. Sometimes I would examine him in this cell.

Now, right at first—do you want me to go into this?

Mr. MATHEWS. Let me do this: Since you have raised the point of examination, the committee's investigation has revealed that Mr. Ray was in Shelby County Jail for approximately 8 months. How many times did you examine Mr. Ray during that 8-month period?

Dr. DEMERE. Well, the exact number I don't have, but—

Mr. MATHEWS. Approximately.

Dr. DEMERE. Quite a few, 20, 25, I would say, during this entire period, right at first several times. You have to realize the atmosphere that was there when we first got Ray present, and it was one that we were told by Judge Battle that there was a good possibility that somebody would try to kill Ray, and it was up to us to keep him alive, and it was up to me to preserve his health.

Mr. MATHEWS. So you examined him approximately 22, 25 times over the course of 8 months?

Dr. DEMERE. Right.

Mr. MATHEWS. What was the overall condition of his health, physical health?

Dr. DEMERE. The overall condition was good, and when I examined him on his first examination—now, he would not let me do a complete exam the first time. I had to gain his confidence before he would ever let me do a complete exam. He wouldn't allow me to draw any blood. He was frightened himself that somebody was going to do something.

Judge Battle had taken me into his courtroom and he said that if something is going to happen, that it would probably be through me.

Mr. MATHEWS. I see.

Dr. DEMERE. So it was several days before he would allow me to draw blood, which I really needed to have to know his complete condition.

Now, I would talk to him in here, and I must also tell you that there were a lot of things Judge Battle told me that I could not talk to him about, and one was that I could never mention Martin Luther King, never mention the killing, and could not mention anything about his escapes. I could ask him where he had been, but it had to be connected with his medical history.

Mr. MATHEWS. Let me refocus you again on a narrow issue: You have already stated that his physical condition over all during the 8-month period was good. How did you assess his mental condition during those 8 months?

Dr. DEMERE. Well, I feel that his mental condition improved. This was a very relaxed atmosphere in this unit. It was not like a prison. The guards actually were dressed in jumpsuits; that was something that was new at that time, in 1968, and they had no guns and no handcuffs, no billyclubs, nothing like that; and every time I was there they were very friendly with Ray, and sometimes they would be playing cards. As a matter of fact, it was my duty to see that if they weren't, to have them replaced, and I would ask him. I would say, "James Earl, how are they treating you? OK?"

Mr. MATHEWS. He never indicated he was being mistreated?

Dr. DeMERE. No. I told him that if anybody did that, I needed to know. That he—never once did he ask me to—I could have changed any of the guards, but never once did he ask me to change them.

Mr. MATHEWS. All right, Dr. DeMere. During this 8-month period did James Earl Ray maintain a steady diet? Did he exercise well? Tell us about those things. How about his diet?

Dr. DeMERE. He had regular city jail food. You know, it is not like the Hyatt Regency, but it was nourishing, and I checked it, and I ate it myself many times. It was adequate and we supplemented his diet with vitamins because I realized he wasn't getting any outside light, and as far as exercise, he himself took it. Now many times I saw him walk the full length of this corridor here, 35 feet, balanced on his hands.

Another thing he could do with these bars—I asked him what he could do with the bars. I can—I used to be able to extend myself out from bars by my arms. He could do it just by his hands, and this man was very strong.

One thing that I did notice during the—was it about 8 months? I think—

Mr. MATHEWS. Yes, sir.

Dr. DeMERE. About 8 months; he began to gain weight, and I did advise him to take more abdominal exercises. He was building up his arms very well but not doing the abdominal exercises well.

Mr. MATHEWS. I see.

Dr. DeMere, you testified in 1976 in Mr. Ray's habeas corpus proceeding, did you not?

Dr. DeMERE. Yes.

Mr. MATHEWS. At that time—have your seat, please—a review of the record reveals that you indicated in your testimony that Mr. Ray had occasional nosebleeds. Some people have reflected that this may have been due to the psychological pressure that he was operating under at that time.

Can you give us an assessment or reason for those occasional nosebleeds suffered by Mr. Ray?

Dr. DeMERE. Well, I only recall a couple of instances where he had nosebleeds. They called me and I went down there. It was stopped by the time I got there. Looking in his nose, there was a place where he picked his nose. Ninety-nine percent of all nosebleeds are caused by just picking your nose, and that's what happened. I didn't see anything psychological about it.

Now I had to assess him as far as his psychological outlook was concerned, and I saw nothing wrong with him. I didn't think he was brilliant, but—

Mr. MATHEWS. Let me focus your attention on the last 4 months of Mr. Ray's stay in Shelby County Jail, from January, or, for that matter, from December through March. Did you notice any change at all in Mr. Ray's mental condition, outlook, or his physical condition?

Dr. DeMERE. No. As a matter of fact, things were a lot more relaxed. There had been no attempt made on his life. There was not much in the newspapers and not much in the media and no apparent animosity in the Black community; and so we didn't—we were not as strict as we had been.

For instance, the signing in and signing out of everybody, at first we even made everybody that came in the jail sign their name down at the bottom, and then we used to make everybody that cleaned up or did anything else sign their name and exactly what they were doing in there, and what they were not doing, and after a while we—if anybody was new, we would—I'd have the guards to make a note of it. They actually didn't make note of all the times I was there.

I stopped signing in.

Mr. MATHEWS. You are referring to the prison logs?

Dr. DEMERE. Prison logs; yes. It just didn't seem that it was necessary anymore. I didn't notice any change in his general attitude. I would chat with him about various things that were on the television that were allowable. We were still under the restriction not to talk about anything that concerned Martin Luther King, or whether he was guilty or not, even about his past escapades from prison. I did have to ask him about some of his prison life for health reasons, but nothing else that was pertinent.

Mr. MATHEWS. So it is your professional judgment that his physical and mental condition was sound into March?

Dr. DEMERE. Yes. For instance, he knew his name, his age, where he was and what day it was, and whether he was hurting or whether he was hungry, whether somebody in the jail liked him, things such as that. That is about all I needed to know.

Mr. MATHEWS. Doctor, you were present in Judge Battle's court?

Dr. DEMERE. I will add one thing. He did complain about the lights.

Mr. MATHEWS. Go ahead. What was the nature of his complaint about the lights?

Dr. DEMERE. Well, he said he had a hard time sleeping, that these lights were on all the time; and I brought him a sleep mask. It is a thing you put over your eyes; it cuts out all the light; and he was reticent about using it. He said he didn't know whether to put that thing on or not. I said, "Well, either do it or not." And after about a month I did get them to dim the lights some at night; but the sheriff would not turn them off.

Another thing he complained about was his privacy with the commode; and, see, the monitor is shooting right at that, and I didn't blame him. So I got a sheet and we put a string across there and let him have just a little bit of privacy with that sheet.

Mr. MATHEWS. Did you explain to Mr. Ray why the sheriff was reluctant to turn the lights all the way down?

Dr. DEMERE. Yes. See, we were concerned as much with Ray doing something to himself as we were with somebody else doing something to him.

Mr. MATHEWS. So, Doctor, you were present in the courtroom on March 10, 1969, when James Earl Ray pleaded guilty; is that correct?

Dr. DEMERE. Yes; I was next to him.

Mr. MATHEWS. Did you have an opportunity to examine him directly after he pleaded guilty, as a result of turning him over to—

Dr. DEMERE. Not immediately after. Right after he—now, I had to examine him before. Sheriff Morris called me and asked me how

Ray was. See, I didn't know any of this was coming up; nobody did, and he asked me how he was and I hadn't been down to see him in, oh, I guess, 2 or 3 weeks. Nobody called me and he hadn't any complaints, so I didn't go down there; but then he asked me how he was, so I said, "Well, I'll go by and check," and so I checked him, and there was no change. He gained a little weight; but he had a whole table full of papers he was writing.

Mr. MATHEWS. Was this before the guilty plea?

Dr. DEMERE. Yes.

Mr. MATHEWS. You examined him again after the guilty plea?

Dr. DEMERE. I examined him about 2 days afterward. He was—I had to examine him before he was taken to Nashville; they insisted that I have a complete examination—the same as when he arrived—before he left.

Mr. MATHEWS. And what was his condition on both those occasions?

Dr. DEMERE. I felt that his condition was good.

Mr. MATHEWS. Both physically and mentally?

Dr. DEMERE. Yes; right.

Mr. MATHEWS. Doctor, after Mr. Ray pleaded guilty to the murder of Dr. Martin Luther King, Jr., did you have any conversations with him concerning the guilty plea or his involvement in the assassination?

Dr. DEMERE. Very brief. I had—every time I would examine him, I would chat with him a little bit, and he kept up with some of the sporting events. We could talk about that. We could talk about several things; but afterward I was not under any restriction. Since he had already pled guilty, that was it; so I had an FBI poster, "Ten Most Wanted," and he autographed it to me, and then just offhand I said, "James Earl, did you really do this? Did you plead guilty?" He said, "Yes." I said, "Did you really do it?" He said, "Well, let's put it this way: I wasn't in it by myself," and that is all he would say to me, and I didn't press him.

Mr. MATHEWS. You didn't press the issue?

Dr. DEMERE. No.

Mr. MATHEWS. One final question, Dr. DeMere. Let me preface that question with a few remarks:

As you know, a number of so-called assassination critics have alleged that the security arrangement for Mr. James Earl Ray, that is, the 24-hour lighting, TV monitoring, the close personal surveillance, were all part of a governmental effort to silence James Earl Ray, to break him down mentally and force him to plead guilty, thereby keeping him from testifying in open court and possibly naming names.

Now, my question to you is this: Have you ever engaged in, overheard, or became aware of any conversations by anyone which would lead you to believe that some individuals were attempting to prevent James Earl Ray from testifying?

Dr. DEMERE. No, that's fantasy. The things that we did were to protect him physically and never on anyone's part was there any attempt to coerce him, either to do or not to do. I would have gotten rid of any guard that had gone beyond the instructions of Judge Battle.

There was never any attempt made to have him plead guilty. As a matter of fact, it was as much of a surprise to us as it was to the news media.

Mr. MATHEWS. So you have no knowledge of anyone conspiring to prevent his testimony?

Dr. DEMERE. No; and this is the Cadillac of prisons, actually. Of course, I haven't seen where they send income tax evaders or maybe Congressmen, but this is a great one.

Mr. MATHEWS. That comment may cost you a contempt citation.

Dr. DEMERE. I'm sorry.

Mr. MATHEWS. Mr. Chairman, I have no further questions of the witness.

Chairman STOKES. Similar with us; I hope we don't see it either. I have no questions.

The gentleman from Pennsylvania, Mr. Edgar, is recognized for such time as he may consume.

Mr. EDGAR. Thank you, Mr. Chairman.

Our counsel has asked most of the pertinent questions, and I would just like to summarize very quickly what I heard as your responses:

When you went over to the chart to look at the diagram of the cell block, did you indicate to us whether or not that was an accurate depiction of the actual conditions under which James Earl Ray was kept?

Dr. DEMERE. Yes; that's extremely accurate. Whoever did it, did a beautiful job; yes. The windows, now—I don't believe I remarked about that—they were completely covered by about a half-inch steel plate; and his cell, the window was blocked so that there was no outside light or window coming in from his cell; and there was some light coming over the top of the sheet metal from the other side, but no direct sunlight or anything like that.

Mr. EDGAR. How would you describe these conditions as compared with the conditions of other prison cells and inmate conditions that you are familiar with?

Dr. DEMERE. As I said, this is—I don't know. It looks like it is pampering him, but it really wasn't; it was for security reasons. We didn't have any other area in the Shelby County Jail that could be really set aside. I think that if we could have set aside a smaller area we would have done it; but this suited the security needs, with the double doors. We needed that.

And so we just took everybody out of that unit. As a matter of fact, right at first we took everybody off of the entire floor.

Mr. EDGAR. How many prisoners would have normally been in a unit of this size?

Dr. DEMERE. Well, it has six cells and there would have been normally 12 prisoners there.

Mr. EDGAR. Two prisoners to a cell?

Dr. DEMERE. Yes.

Mr. EDGAR. Mr. Ray had access to a number of things that he could do to pass the time away. Would it be correct to say that he had opportunity to play cards?

Dr. DEMERE. Yes. See, these two guards there had nothing to do and so it was conversation and they were restricted in what they

could say, so they would play cards and various things such as that; and the television.

Mr. EDGAR. Did he control the access to the television channels?

Dr. DEMERE. This was a remote control thing. He could do it or he could ask them to change it, yes.

Mr. EDGAR. Did he have access to periodicals and books?

Dr. DEMERE. Right. I saw, as a matter of fact, he had some; he had all of those that concerned him. I remember there was one article about the girls he had been with and, so forth, and he said he wished he had.

Mr. EDGAR. Did he spend most of his time in his cell by himself, or did he spend most of his time outside the cell?

Dr. DEMERE. I never saw him in his cell by himself. He was always out every time that I went there.

Mr. EDGAR. You had responded to Mr. Mathews question about his mental condition by saying it was relatively good. Did you ever find him in the depths of any depression?

Dr. DEMERE. No. That actually was extremely surprising to me, too, because almost every prisoner I have ever been associated with has these periods; and somebody—if I had been in the same situation, I would have been depressed all of the time; but he had a very good attitude about the whole thing, particularly afterward, and he did say that he wasn't going to stay in prison. He did say that.

Mr. EDGAR. You mentioned "particularly afterwards." You were referring to the 2 days afterward when you had the opportunity to examine him. What was his mental condition at that time?

Dr. DEMERE. I didn't see anything bad about that. He just said that—well, as a matter of fact, he was joking a little bit about it. He says, "I'm not going to stay there." And I said, "Well, are they going to let you out?" He says, "No; I'll get out," and said, "You'll hide me if I get out, won't you?" I said, "Oh, no."

He didn't have a bad attitude about it.

Mr. EDGAR. What did you take from his comment that he was going to be out of prison?

Dr. DEMERE. Actually, I didn't attach much significance to it at that time; but then when I read later on that he had crawled through the air ducts and he went over the fence, I see that he was serious.

Mr. EDGAR. Did he ever exhibit to you any suicidal tendencies at all?

Dr. DEMERE. Never. I asked him about it—had to—asked him if he had ever—oh, the suicidal thing that the British doctor told me—he said that he did have suicidal tendencies, and when I asked him—because he wouldn't say a single word—asked him if he was hungry, thirsty, anything else, wouldn't say one single word; and as soon as he got in the tank with me he began chatting away, and we had already been given instructions what we could and couldn't say.

So I had to more or less shut him up; and then I asked him did he have any idea of ever killing himself. He said no. I said, "Well, that officer on the plane said that you wouldn't say anything the whole way. Why was that?" He says, "My attorney, Mr. Hanes, said for me not to say one single word from England until I got back to the United States." So he didn't, wouldn't say a word.

But he didn't have any suicidal tendencies that I could note.

Mr. EDGAR. Just going back to the cell block again, did Mr. Ray use the shower facilities regularly?

Dr. DEMERE. Yes.

Mr. EDGAR. Is it fair to say, Dr. DeMere, that your testimony here today indicates that it is your professional opinion that James Earl Ray was not suffering from any physical or mental problem which could have been a factor in his decision to plead guilty to the murder of Dr. Martin Luther King, Jr.?

Dr. DEMERE. Well, I don't know what mental condition would induce him to do anything, but he had no abnormal mental condition that would affect him. He would—he knew what he was doing at that time. Everything that I asked him, he knew the consequences of any act that he would perform.

Mr. EDGAR. Dr. DeMere, have you provided the committee with any record which would corroborate your testimony as to Mr. Ray's physical condition during the time he was your patient at the Shelby County Jail?

Dr. DEMERE. No. I had complete records. The instructions from Sheriff Morris and Judge Battle were that I was to keep no records in my office or anyplace else, but to submit them all to the sheriff. Somewhere these records do exist, including the complete examination, blood pressures, everything else, laboratory work; but I never during the time even told my office staff that I was Ray's doctor.

Mr. EDGAR. Thank you.

Mr. Chairman, I have no further questions.

Chairman STOKES. The time of the gentleman has expired.

The committee will operate under the 5-minute rule.

The gentleman from North Carolina, Mr. Preyer, is recognized.

Mr. PREYER. I have no questions, Dr. DeMere. I just want to congratulate you and the responsible authorities for the most extraordinary precautions in protecting his safety; also, for the most meticulous care in looking after his health once he was in your custody that I have ever encountered in any other situation.

Dr. DEMERE. Thank you.

Mr. PREYER. I only wish that Lee Harvey Oswald had received the same kind of attention which you and the authorities here gave James Earl Ray. I certainly congratulate you on all you did.

Dr. DEMERE. Thank you, Mr. Preyer.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Doctor, I understand you were under strict constraints by Judge Battle on any type of conversation you might engage with Mr. Ray. Did he volunteer any information to you during the time he was under your care relating to the offense?

Dr. DEMERE. Yes. Many times he would volunteer and I would stop him. I needed to know all of the countries that he had been to, because of the possibility of parasite diseases and so forth. I also needed to know if he had taken any drugs, if he had taken excess of alcohol, and things such as this; and then he would go into other things.

For instance, operations, I needed to know what surgery he had had, and he had had some plastic surgery, and I knew the man

who had done the work on his nose, and I asked him in detail about that; and he hadn't cooperated with him. He sort of laughed about that.

He went into other things that were not related. He wanted to tell me about being a bartender out there, too, but we stopped him. I said "we" because usually a guard was right with me when we chatted there; and I stopped him every time he went into something that might lead to the Martin Luther King assassination.

Mr. DEVINE. All right. Now, I take it then that anything that was related to the offense with which he was charged, you did not let him volunteer. If he started, you stopped him; is that right?

Dr. DEMERE. Right. You would have to know Judge Battle. He was a lifelong friend of mine and he called me into his office and spent about an hour and a half, and he says, "Don't let our friendship enter into this. If you break it, I am going to put you in jail, too," and I believed him, so none of us would violate that.

Mr. DEVINE. All right.

Now, following the plea of guilty, you said you had conversation with him at which time he said he wasn't the only one involved?

Dr. DEMERE. I didn't feel that I was under any restraint then. I wasn't particularly interested even, but I just happened to mention it, "Did you really do it?"

Mr. DEVINE. He volunteered nothing other than that?

Dr. DEMERE. No; he just sort of said, "Well, let's put it this way: I wasn't in it by myself." That's all he said. I didn't pursue it any.

Mr. DEVINE. Did he say anything else about his court appearance or whether he had been jockeyed into a position of making a guilty plea or anything like that?

Dr. DEMERE. No. I was with him on his court appearance and he did want to say something else, and I guess you have all this record. He tried to say something else and the judge wouldn't let him; but he had already pled guilty and the judge says, "You understand what you're doing?" And he says, "Yes, but I want to say so and so." "Now, wait a minute." He stopped him.

Mr. DEVINE. Did you study psychiatry at all in your medical background?

Dr. DEMERE. Yes.

Mr. DEVINE. Do you have an opinion on whether Mr. Ray normally tells the truth?

Dr. DEMERE. You know, it's hard for me to tell anybody that tells the truth. I really—I just believe everybody whether they believe themselves or not. I don't know. I think that he probably told me more truth than he did to anybody else. He had to, because I emphasized to him that it was important for his own health that I know these things; so I feel that he was truthful when he told me about his illnesses and whether he drank to excess or whether he took drugs; and he didn't, and I believe that, and that's all I really needed to know.

Mr. DEVINE. As a physician, did he appear to you to be upset either prior to, or immediately following his guilty plea?

Dr. DEMERE. Upset? Well, I don't understand what you mean by upset. You know—

Mr. DEVINE. I don't know the medical term. Maybe you can supply it. Was he cool?

Dr. DEMERE. Well, I'll say this: He was less upset than I would have been in his position, but as far as upset, now I would say as a person that is emotional, crying, depressed, or sitting in his cell and wouldn't answer questions, he was not like that. He was out and he was reading a magazine after he was getting ready to go to Nashville; so I would say that he was as normal as he was during the whole 8-month period.

Mr. DEVINE. Thank you very much.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia, Mr. Fauntroy.

Mr. FAUNTROY. Thank you.

Dr. DEMERE, I want to thank you for having cleared up a number of questions that I am sure the American people have had about Mr. Ray's period of incarceration there at Shelby County, and I just have a few questions related to answers you have already given.

For example, did you understand the reasons for the instructions that Judge Battle gave you? What did you understand those reasons to be?

Dr. DEMERE. Yes; he explained the reasons to me. See, he took me by myself.

Mr. FAUNTROY. All right.

Dr. DEMERE. And I am sure he took these other people, too, but he said that if somebody did want to assassinate Ray, the best way was to get to him through me, that if they could, for instance, if they knew that I was involved, forced my family or something and gave me a couple of pills and said, "See that he takes these," that would be a lot easier than trying to blow up the jail or to starve him.

So he spent a lot of time with me. I understood.

Mr. FAUNTROY. What about the instruction not to talk to him at all about Martin Luther King or his escape?

Dr. DEMERE. Well, I am an attorney, also, and he got that over very well. There was no privilege communication to physicians in the State of Tennessee. Anything that he told me could be had in court, see, so he said that, that you will be subject to subpoena now no matter what he tells you. So the less he told me, the better.

Mr. FAUNTROY. So would you say that his purpose was to avoid the implication that you had been there pumping him for information which might be held against him?

Dr. DEMERE. Right. My job was to see that he stayed alive and healthy and his job and everybody else's was to see that he got a fair trial. That was the whole ball of wax.

Mr. FAUNTROY. I am very pleased to learn as graphically as you described it that he was in an area that would have been used by 12 persons and that he had access to all parts of that area at all times.

Dr. DEMERE. Yes.

Mr. FAUNTROY. In the course of your discussions, general discussions with him, did you get the impression that he liked beer?

Dr. DEMERE. Yes; he said he did. But he did not take excessive alcohol and he said—I would ask him, for instance, had he ever been severely intoxicated.

He said, well, I felt pretty high, and he mentioned Portugal.

Then I wanted to know how often and how much, et cetera. It was not enough to consider him a chronic alcoholic. I needed to know that because in the jail he would get nothing and could have delirium treatments or something for sudden withdrawal.

Mr. FAUNTROY. Congressman Devine asked you about things that he may have volunteered either before or after his plea. You indicated that after his plea, of course, in response to a question from you he stated that, "I was not in it by myself."

But you also mentioned sometimes when he volunteered things that you stopped him. You stopped him on the bartender thing; is that right?

Dr. DEMERE. Right.

Mr. FAUNTROY. My question is: Do you recall anything else that he may have volunteered that you said stop?

Dr. DEMERE. Yes. There was one time I remember, some writer had written an article saying that he was a homosexual. When I visited him that day he was really mad. I asked him about that and he told me.

Another time he was irritated that they said he was so prejudiced against Blacks and he told me that he was not, that he had had a cellmate some time or other. But I didn't particularly care about that and had to stop him as he was going on into that.

Mr. FAUNTROY. Do you recall any other things that he volunteered that you said, look, let's not talk about that?

Dr. DEMERE. No. He was not a garrulous sort of fellow. He didn't go into a lot of details. I had to pull things out of him. He didn't look you directly in the eye. He would hang his head. I never thought he was extremely brilliant. I asked him where he got his money and he would just shrug his shoulders and we wouldn't go into that. I knew that was an area we should not go into.

Mr. FAUNTROY. Mr. Chairman, I have one final question and that has to do with the very detailed procedures that you followed and careful steps that you took to assure his safety.

You mentioned among them the fact that people initially signed in and signed out, including yourself. You also indicated that as the time went on you relaxed those requirements.

We had before us this morning attorney Percy Foreman who indicated that his recollections were that he saw Mr. Ray between 35 and 70 hours and what records we have been able to glean from the county jail there was that he was there for about 20 hours.

Could you assist us in evaluating that discrepancy, that difference between Mr. Foreman's recollections and what we get?

Dr. DEMERE. I think you could compare it to the way things are done right here in Washington. I saw downstairs at one of these office buildings they have a list out in front and a lot of signatures and so forth, but then in talking to some of the people, some of them don't sign in every time. The ones that are there regularly, they know and they sometimes just go in and out.

Mr. FAUNTROY. So that a plausible explanation of Mr. Foreman's claim that he was there between 35 to 70 hours is, in your judgment, that he was just allowed in because he was known to be his attorney. Is that your thinking?

Dr. DEMERE. Well, I will say it is possible and I will take some of the blame because we got rid of the deputy on the outside that did

make everybody sign their name. So we only had the two guards on the inside and it was up to the person coming in to sign his name and it is possible that Mr. Foreman, he said he is not very good with records, maybe he doesn't sign his name too well, I don't know.

Mr. FAUNTROY. The point is that, you know, it is difficult for us to understand, given the precautions that you took, how there would not be a record of a person visiting James Earl Ray, particularly prior to his guilty plea?

Dr. DEMERE. Well, see, we had no idea that this was anything prior to a guilty plea or anything else. Things had been winding down. I am positive that if anybody new came through there or anybody suspicious, we would have a definite record.

But, see, I was in the jail very frequently, everybody from the janitor on up knew who I was and didn't question me. I suppose they might have known Mr. Foreman, too.

Mr. FAUNTROY. Thank you.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Doctor, I gather from your testimony that you feel over this lengthy period of several months that you gained his confidence, gained Mr. Ray's confidence. Is that your judgment?

Dr. DEMERE. Yes; it was necessary.

Mr. FITHIAN. Then, finally, when he said, "Let's put it this way, I wasn't in it by myself"; you have no reason to doubt that statement?

Dr. DEMERE. You know, I haven't thought about it much. They did ask me about it and I am a lot like General Canale, I believed that there was a conspiracy, there were other people involved, but I had no part in the investigation. They purposely separated me from all of that.

I would like to have been and wanted to be, but they purposely separated me from all of that.

Mr. FITHIAN. I understand that, but my question is whether or not in the nature of your relationship with James Earl Ray, when after he had pled guilty he told you, let's put it this way, I was not in it by myself, you have no reason to doubt that?

Dr. DEMERE. No; I have not had any reason to doubt it except that all of the evidence that has been presented seems to point that he was in it by himself.

Mr. FITHIAN. I understand that. My question is whether or not by his character, his demeanor, or whatever relationship you had built up with him over time, you have no reason to question that statement. It was not given in any other way than he had been talking to you?

Dr. DEMERE. No, sir; I didn't even follow it up. It was not a very forceful statement or anything and he was sort of halfway laughing at the time, too.

Mr. FITHIAN. But you must recognize the significance of it for this committee. I would appreciate your very best judgment of the validity of that statement.

Dr. DEMERE. That is really putting me on the spot.

Mr. FITHIAN. That is why we brought you here.

Dr. DEMERE. I don't know. I would really like to know. He didn't seem like the kind of a person that could get that much money. That was the only thing that bothered me. I don't know. You people have done a beautiful job in getting these things out.

By the way, he said that I did things because I was kin to the prosecutor, but it is my brother-in-law's brother that was the prosecutor, Dwyer, and he had nothing to do with me or the sheriff's department.

Mr. FITHIAN. But the statement was purely voluntarily given. It was just kind of out of the blue; isn't that correct?

Dr. DEMERE. It was. I just said, did you really do it?

Mr. FITHIAN. What was your question?

Dr. DEMERE. I said you pled guilty, did you really do it?

He didn't say yes or no. He said, well, let's just put it this way, I wasn't in it by myself.

Mr. FITHIAN. Thank you.

Thank you, Mr. Chairman.

Chairman STOKES. Dr. DeMere, in August, James Earl Ray appeared before this committee and during the course of the time I was interrogating him I asked him about a bundle found outside of Knipe's Amusement Co. and I interrogated him with respect to several items in that bundle.

One was a beer can that had his fingerprint on it and his reply to me at that time was that he didn't know how that had gotten there because he didn't even drink beer.

Did I understand you to say that in your interrogation of him he admitted to you that he did drink beer?

Dr. DEMERE. To my recollection, and going over the details as to what he did take in the way of drugs, alcohol, et cetera, beer was mentioned and he said that he did drink it. Whether he liked it or not, I don't know.

Chairman STOKES. What did you learn about him as relates to drugs?

Dr. DEMERE. That he did not take them. I found no evidence whatsoever that he took drugs.

Chairman STOKES. I suppose you have seen a lot of prisoners doing time, in your work you have had occasion to see that. And law enforcement authorities who have come into contact with James Earl Ray, I have been told by them that he is a model prisoner except that he will escape, but that he is the type of a prisoner who knows how to do time and he does time well, obviously.

How would you describe him?

Dr. DEMERE. I think that he was a model prisoner there. He didn't give us any trouble whatsoever, none. You know, we have some prisoners that when they get depressed they will throw things or not eat their food or go on hunger strikes. He didn't do any of those.

Chairman STOKES. So when he went to court in order to enter his guilty plea he had not been acting under any depression or duress or anything of that nature?

Dr. DEMERE. I did not see him the immediate few days prior to his going to court. I saw him I think about 2 weeks prior to it and he was in good condition. He didn't mention anything about his

plea, nothing. I knew that the trial was going to come up because they asked me to come down and be cleared, get photographed, fingerprinted, and all that.

But at the day of the trial I did not go up to his cell block to get him. They brought him down and I joined him just outside the courtroom.

Chairman STOKES. Thank you very much.

Is there anything further?

Dr. DeMere, at the conclusion of a witness' testimony before our committee the witness is entitled to a period of 5 minutes during which time he may in any way explain or amplify his testimony before this committee.

I would extend to you 5 minutes at this time for that purpose.

Dr. DEMERE. Mr. Chairman, I don't have anything to add. I have seen the way you conduct this committee on television, the whole Nation has seen it. I want to compliment you. I want to compliment the members on their attendance. I was going to compliment my own Congressman on his attendance, but he is not here today, Harold Ford.

Thank you.

Chairman STOKES. Thank you very much, Doctor, for appearing here. We have certainly benefited from your testimony. We appreciate it very much. You are excused.

The committee will immediately after adjournment meet in room 304 in executive session.

There being nothing further to come before the committee this afternoon, the committee is adjourned until 9 a.m. tomorrow morning.

[Whereupon, at 4:28 p.m., the committee adjourned, to reconvene at 9 a.m., Tuesday, November 14, 1978.]

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

TUESDAY, NOVEMBER 14, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, at 9:10 a.m., in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Dodd, Ford, Fithian, and Edgar.

Also present: Edward M. Evans, chief investigator; Gene R. Johnson, deputy chief counsel; Jeremy Ray Akers, staff counsel; Alan B. Hausman, staff counsel; Elizabeth Berning, chief clerk; and G. Robert Blakey, chief counsel and staff director.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

As the committee is, of course, aware, it is most likely that the shot that killed Dr. Martin Luther King, Jr., came from a second-floor bathroom window at the rear of Bessie Brewer's roominghouse at 422½ South Main Street, Memphis. A roominghouse tenant, Charles Q. Stephens, identified James Earl Ray as the man he saw leave the bathroom immediately after the shot. Willie Anschutz, another tenant, said he also saw the man, although he was unable to identify him.

The evidence that will be examined today deals with the contention of a third roominghouse tenant that the man who fled from the bathroom may not have been James Earl Ray. She is Grace Walden, also known as Grace Stephens, who in 1968 was the common law wife of Charles Q. Stephens.

Ray's current attorney, Mark Lane, maintains that Ms. Walden told Memphis police officers and FBI agents that she saw the man who murdered Dr. King. He says she described him for an artist who produced a sketch based on her description. Following Ray's arrest in London on June 8, Mr. Ray's attorney contends, Ms. Walden refused to sign an affidavit identifying Ray as the murderer, even though she was offered a \$100,000 reward for her signature.

Ray's attorney claims that for refusing to sign the affidavit Ms. Walden was threatened by an FBI agent and a few days later she

was arrested by Memphis Police Department homicide detectives and taken to the mental ward of John Gaston Hospital in Memphis. Three weeks later—Mr. Lane's charge continues—she was taken by armed guards to Western State Mental Hospital in Bolivar, Tenn., and committed.

Thus Mr. Lane insists that a witness who saw Dr. King's assassin flee from the roominghouse—one who could clearly identify that assassin as not James Earl Ray—was silenced as part of an apparent Government attempt to convict Ray and conceal the true nature of the plot to assassinate Dr. King. Mr. Lane has repeated this allegation a number of times and in a number of places, most recently in the November issue of Larry Flynt's magazine, "Hustler."

Mr. Chairman, I would ask at this time that Mr. Lane's article that appears in the November "Hustler" magazine be introduced into the record as MLK exhibit F-310.

I would note that the photographs surrounding it and not dealing with the article have been cut out.

Chairman STOKES. Without objection, it will be included in the record in the manner described.

[The information follows:]

MLK EXHIBIT F-310

[From Hustler magazine, November 1978]

THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.—WAS JAMES EARL RAY A PATSY?

(Report by Mark Lane)

"No. That's not him. That's not the man I saw." Grace Walden, a tiny, middle-aged woman surrounded by Memphis police officials and agents of the Federal Bureau of Investigation, studied the photograph of James Earl Ray, placed it on the table in front of her and said with finality, "In fact, it doesn't look a thing like him."

The lawmen, frustrated and angered by her statement, huddled together in a corner. Finally, one approached the woman and said in a voice almost trembling with tension: "Listen. That's him. That's the man who killed King. We've got a lot of evidence to prove he's the man. He left his rifle just outside the rooming house. He's the killer. We have all the evidence we need."

"Well, if you have all you need, then you don't need me." Saying that, Walden rose from her chair and began to walk toward the door—then hesitated a moment to say, "But you got the wrong man. He is not the man I saw." An agent ushered Ms. Walden back to the chair and, standing over her, said, "you don't understand. We want you to sign this paper; if you don't sign it, you're going to be in trouble. We need this affidavit and we need it now."

Walden looked up at him and said, "Can't do it, sir. He's not the man."

Another agent approached her and said amiably, "He's just a little nervous; it's a very big case. Now, Grace, there is this \$100,000 reward that the Chamber of Commerce and some other of those groups have put up. It's yours." He paused, awaiting a response, but Grace Walden just looked at him. "Once you sign this paper, you've earned your \$100,000." Walden still remained silent. The agent then continued in a tone indicating he had almost forgotten the friendly role he had assumed. "Do you understand me, Grace? Is this clear enough for you?"

She answered, "It's clear enough all right. You want me to lie for money. Now, sir, that's something I would never do. If you want me to sign an affidavit identifying the killer, then you should go out and catch the killer. Then I'll sign it."

Since the FBI never did apprehend the killer of Dr. Martin Luther King, Jr., Grace Walden became the single greatest threat to its case against James Earl Ray. For of the 4 billion people who share this planet, she alone saw a man she claims was the gunman moments after he fired the shot that killed Dr. King. *She was the only witness.*

The sagging rooming house at 418½ South Main Street was located in a dreary and deteriorating section of Memphis, Tennessee. Part of its storefront area at the street level housed a cafe, Jim's Grill. One flight above Jim's, and at the very back of the building, was a two-room apartment that Grace Walden shared with Charles Quitman Stephens, known in every decrepit bar in Memphis simply as Charlie.

Around noon on April 4, 1968, Jim McCraw—who has been a cabdriver in Memphis for 32 years—entered Jim's for lunch. Recently, when we visited what now remains of the restaurant, McCraw told me, "Charlie was sitting right over there. There was a booth there, and Charlie was drinking beer from the quart bottle. Hell, I never did see Charlie without a beer, and I never saw him with anything other than a quart bottle."

I asked if Charlie was high at that time and McCraw answered, "He was drunk. In twenty-five years I must have seen him five hundred to a thousand times. I never did see him sober even once." As an afterthought, he added, "Charlie gets his monthly check on the third of each month. That was the fourth, so you know he was as drunk as he could be on that day."

While McCraw was eating lunch, he saw Stephens rise unsteadily to his feet, lurch to the counter (where he picked up "three or four quarts of beer in a paper sack") and then take the beer upstairs to his apartment.

At four o'clock that afternoon Lloyd Jowers the proprietor of Jim's Grill, arrived on the premises. He noticed that Charlie Stephens was back in a booth, conspicuously consuming beer by the quart. "At about a quarter to five," Jowers told me, "Charlie staggered over to the counter and bought four quarts of beer. He took them up to his room."

"It was after five-thirty that afternoon when the dispatcher sent me over to 418½ South Main to pick up a fare there," McCraw said. The taxi driver walked up a flight of stairs and knocked on the door. "Grace Walden answered. She was the lady who lived there with Charlie. She said, 'Come on in; the door's not locked.'"

McCraw entered the apartment and saw Ms. Walden, seated and reading a book. "Charlie was stretched out on the bed. He was so drunk he couldn't even get up. So I said, 'Charlie, you're too drunk to haul,' and I started to leave."

I asked if Charlie had replied. "He tried to—mumbled something—but I couldn't understand him, so I left," McCraw said.

McCraw went downstairs to his cab and radioed the dispatcher that Stephens was too drunk to get into the taxi. "The dispatcher said, 'OK, Mac, there's a fare at Frankie and Johnnie's down at the pier.'"

The cabbie drove toward the pier, which he estimated to be approximately ten minutes away, considering traffic. "Before I got there all the traffic lights turned red. That's a system they have down here in Memphis whenever there is some kind of an emergency." McCraw's curiosity about the probable emergency was satisfied when the dispatcher spoke to him. "he said that Dr. King had been shot and that we were all to drive very cautiously and keep our eyes open." Dr. King had been shot at 6:01 p.m., just minutes after McCraw had left Stephens.

After McCraw had left the rooming house, according to Grace Walden, "Charlie began talking about how he had to go to the bathroom. He had been drinking beer all day, and I believe that he really did have to go to the bathroom." He half-rolled, half-climbed off the bed, bolted out the door and fell against the communal bathroom door just a few feet away at the end of the hall. The door was locked, and Charlie began to pound on it and demand that the occupant let him in. (It was discovered that Willie Anschutz, another tenant, had futilely tried to gain access to the bathroom nearly an hour before.) When his pounding failed, Charlie staggered down the stairs at the rear of the rooming house and into the backyard.

Soon after Stephens departed, having left the door to the apartment open as he did so, Grace heard the sound of a gunshot emanating from the bathroom. "We had a common wall—the bathroom and our kitchen—and the door to the apartment was open," Ms. Walden said. I recognized it at once as a gunshot. My father taught us all how to use a rifle, and I was used to the sound of gunfire." She looked out through the doorway into the corridor.

"Then I saw him," she said. "He was moving fast. Not running, but walking very fast right past our doorway. And he carried something in his right hand. His body was between me and what he had in his hand so I couldn't see exactly what it was. But it was fairly long, and from the way he swung his right arm I had the impression that it was a rather heavy object."

A little later Grace Walden took off her housedress and put on a streetdress. "I figured that the police might be around soon, and I wanted to look presentable," she remarked. Then she saw Stephens staggering up the rear stairs. "I told him what had happened, and he said he wanted to see the man. So he tiptoed down the hall,

making a lot of noise but acting like he was silent. And he had his finger up to his lips as if to tell me to be quiet. I told him not to be so silly, that the man had left more than five minutes before. Anyway, Charlie had left his glasses on the bed, and he can hardly see across the hallway without them." Stephens returned without sighting the gunman.

Within minutes the Memphis police arrived at the murder scene. Their investigation was already directed by the FBI, which had assumed command of the probe without lawful jurisdiction. (It was still a state murder case at that point in time.)

They discovered that a bundle containing a rifle and a suitcase had been left in front of the Canipe Amusement Company on South Main, two doors down from 418½, and that neither Gus Canipe nor the customers in his store could identify the man who had placed them there. Canipe later told me, "All I saw of the man was his back. Hell, it could have been you for all I know. I never noticed nothing about him. I could never identify him."

The FBI determined that the shot had been fired from the window of the second-floor communal bathroom, which faced the Lorraine Motel balcony, where Dr. King had been standing when he was shot. It also determined that Grace Walden may have been the only witness. She was taken to headquarters for questioning, together with Charlie Stephens.

She told the police the man she had seen was "about my height. I'm five foot three inches, and he was maybe two inches taller than me. He was very thin. He was in his late fifties or early sixties." She described his clothing with equal confidence. "He wore a hunting jacket and under it—it was partially open—was a loud-colored checkered shirt. He was an older, thin-boned man—just rushing down that corridor with something in his hand, probably a rifle, but about that I cannot be sure." (A statement was also taken from Charlie Stephens, but the contents of that deposition remained undisclosed for a decade.) The police brought in an artist, and Ms. Walden described to him the man she had seen. The drawing—not a composite since it was based upon the description of only one witness—was circulated by local and federal police.

Two months later James Earl Ray was arrested in London by Scotland Yard detectives on charges of using a fraudulently obtained Canadian passport. Ray had been sought because the rifle he had purchased under an assumed name in Birmingham, Alabama, had been discovered in front of Canipe's. The rifle bore Ray's fingerprints. A suitcase found alongside the weapon contained several articles of clothing and other items bearing Ray's fingerprints, including a radio he had bought at the Missouri State Penitentiary, a pair of binoculars and some beer cans. The Memphis District Attorney General, Phil Canale, Jr., later explained that it was "easy to know that Ray was the suspect" since the radio had Ray's name and prison serial number engraved on it.

Ray—proclaimed the killer of Dr. King by the FBI—could only be extradited from England to the United States if evidence of his probable guilt could be established by the police. At that moment there was no evidence to establish James Earl Ray as the murderer of Martin Luther King, Jr. The slug that struck Dr. King had been removed from his body and examined by FBI ballistics expert Robert A. Frazier. Frazier conceded he *could not prove* the bullet had been fired from Ray's rifle, citing as his reason "distortion due to mutilation and insufficient marks of value [for purposes of ballistic analysis]." Grace Walden was the only witness who might establish the suspect's guilt, and after Ray's arrest she was brought to police headquarters.

At headquarters she reminded the police that while Ray was about 40 years old, the man she had seen was considerably *older*. She also reiterated that while Ray was almost six-feet tall and of a medium build, the man she had seen was much *smaller* in height and weight. Before she left the police station, after refusing to commit the perjury that the local police and federal agents hoped for—indeed were insistent to suborn—she was told that if she testified at the trial of James Earl Ray on his behalf she would be in "grave danger."

Unable to coerce or bribe Grace Walden into becoming a false witness, the authorities turned their attention to Charles Q. Stephens—a less valuable, but certainly more vulnerable, witness. According to cabdriver Jim McCraw, the FBI agents in Memphis had previously seized the dispatcher's records: "The FBI knew that Charlie was drunk, almost dead drunk, at the time of the killing. They knew it from my statement to the dispatcher which was made just before six o'clock that same night." The police and FBI agents knew just after the assassination that Charlie was drunk those who knew that Stephens was too drunk to have been a witness was Tommy Smith, then a chief investigator for the Memphis Police Department and now its Commander of Homicide.

In order to induce him to cooperate Stephens was placed in jail as a material witness, although it was known that he had witnessed nothing. Recently April Ferguson, associate director of the Citizens Commission of Inquiry, an organization investigating the murders of President John F. Kennedy and Dr. King under this reporter's guidance, visited Tommy Smith at Memphis police headquarters. Smith told her that Stephens had been so drunk at the time of the King assassination that he was worthless as a witness.

Smith then showed Ms. Ferguson the original deposition Stephens had signed ten years earlier, in which Stephens described the only man he had seen in the rooming house during the relevant time-frame. According to Stephens, that man was very thin and had receding sandy-colored hair. When Ms. Ferguson shared that information with McCraw, he began to laugh. He explained, "Charlie's describing me. I'm the only man he saw at that time. That's a perfect description of me. He saw me when I came to haul him. He looked up from the bed, saw me, and later, when he was pressured into describing the man he saw, he gave my description. I'm the only man he saw at that time."

In a recent interview with BBC television, aired in Britain on April 4, 1978, Tommy Smith said that he had seen Stephens minutes after the assassination. He added that Stephens "was in an intoxicated condition at that time, and we could not get any information from him."

The federal authorities, despite the statements of Charlie Stephens, Jim McCraw and Grace Walden, and despite the dispatcher's records at the cab company and the observations of the local police—including Tommy Smith and numerous FBI agents who saw Stephens in a drunken condition just after the murder—decided, nevertheless, that Stephens was the only remaining hope in their effort to construct a case against Ray.

Charlie Stephens knew his way around the courts and jails of Memphis. His own lawyer told me that before April 1968 Stephens had been arrested more than 200 times for public drunkenness in Memphis, and he hadn't even lived there much of that time. On one occasion he had been arrested for assault with intent to commit murder (for firing [sic] weapon within the city and for carrying a concealed and loaded weapon. Stephens was told about the \$100,000 reward, urged to induce Grace Walden to cooperate with the authorities and asked to sign the affidavit identifying Ray as the man he had seen in the rooming house on April 4. He was promised all the free drinks he wanted for as long as he wanted to drink. Stephens signed the document, which was then submitted by the United States government to the English authorities. Ray was returned to the United States based upon the "eyewitness" account of Charles Q. Stephens.

Stephens was given police protection for several weeks. Two officers accompanied him 24 hours a day. They discouraged all conversation with reporters and with Ray's investigator.

Lloyd Jowers, the proprietor of Jim's Grill, recalled a telephone call he received from police headquarters soon after Stephens had signed the affidavit: "I was at Jim's, and a police lieutenant called me. He said that I was to give Charlie all the beer and booze he wanted and that I was not to charge him for it. He said the police department would pay for it. Well, Charlie ran up quite a tab in a pretty short time. He was in all the time with two police officers who were always with him. Other restaurant and bar owners in the neighborhood told me that they had received a similar call from police headquarters about taking care of Charlie." Stephens, however, never did get the \$100,000 reward. He retained two attorneys, but lost in each court in which he filed suit. One of those lawyers recently told me that he personally believed Charlie had not seen *anyone* on April 4. The lawyers, in order to maintain a viable case, hid Stephens in another state in a cottage owned by one of them.

Charlie Stephens had cooperated with the local police and federal agents by making an identification that they knew to be false. While he was never able to collect the reward he had been promised, he got free drinks for a few weeks and temporary immunity from prosecution for public intoxication.

Grace Walden was another story. Since she steadfastly refused to cooperate with the authorities, she remained a serious threat to their case. If she were to be called by the defense at Ray's trial, her testimony alone might cause the jury to vote for acquittal.

It appears very likely that there was a two-pronged attack organized to prevent the truth about the assassination from ever being told. The killers would need to first eliminate Walden as a credible witness and, second, attempt to prevent a trial. The two matters were not unrelated. If the FBI could demonstrate to Ray that his

potentially most important witness could be neutralized, he might be more inclined to accept defeat.

Two plainclothesmen from the homicide squad arrived at the rooming house while Walden was, characteristically, reading a book. The officers ordered her to accompany them to a waiting car and drove her to John Gaston Hospital, a municipal facility now known as the City of Memphis Hospital, where she was admitted to the psychiatric ward and given mind-crippling drugs. Several days later Walden was taken in chains to a courthouse. In court a doctor, who had just seen the "patient" for the first time, testified that she was hallucinating. To support that contention the doctor stated that Grace Walden "thinks she is a witness in the Martin Luther King murder trial." The doctor added that Ms. Walden "had suicidal tendencies anticipating the trial."

Every relevant state statute was violated as the judge signed a document declaring Ms. Walden to be incompetent and committed her to the Western Mental Health Institute at Bolivar, Tennessee. Ms. Walden had not been represented by counsel at the hearing; no petition had been filed in advance of the hearing; no notice had been given of the proposed hearing. The legally authorized persons to file such a petition had not been consulted, and an unauthorized person (a hospital employee) had been utilized as the petitioner on behalf of the state. The order was void *prima facie* since the relevant statute prohibits a single order from both declaring a person to be incompetent and also committing that individual to an institution. *The ruthless powers of the federal and state authorities had been demonstrated on one helpless woman.*

A decade later Grace Walden was still imprisoned at Western State. The doctor who had testified that she was suicidal was long since dead, having committed suicide some years before by swallowing the contents of three bottles of aspirin.

Before Ray arrived in Memphis agents from the Federal Bureau of Prisons prepared a cell for him in the city jail. Without lawful jurisdiction, they sealed the cell windows with heavy steel plates, installed bright lights, planted sensitive microphones in the cell and placed two videotape cameras so that Ray's movements could be continuously monitored. Once Ray was in the cell, two guards joined him there; they stayed less than five feet away from him at all times. The agents worked in eight-hour shifts. The lights in the cell were kept on Ray around the clock, cameras followed him each minute, and the mikes picked up and amplified every sound he made. Meetings with his lawyers were monitored by the police and federal agents. Ray told me, "After approximately two weeks one of the agents was on the verge of a nervous breakdown; they had to take him out of there."

Ray was confined to that cell for almost eight months. He lost weight. His body broke out in a terrible rash. He was unable to sleep. His nose began to bleed frequently. This debilitating experience eroded his ability to resist and threatened his capacity to reason. His lawyers told him that Stephens had been "bought" for \$100,000 and that the state could buy as many additional witnesses as it thought necessary. He was told that the one witness who could help him was locked away in a lunatic asylum and that any other defense witness who came forward would be treated similarly. He was told that unless he pleaded guilty the FBI would arrest his brothers and imprison them as well. Finally, he was told that his father, an elderly man, had violated his terms of probation 41 years before. If James Earl Ray did not enter a plea of guilty, his father would be arrested by the FBI and would, no doubt, die in an Iowa penitentiary. At that point Ray agreed to plead guilty in exchange for a 99-year sentence, thus giving up his right to a trial by jury. Ray insisted there had been a conspiracy to assassinate Dr. King, but Judge W. Preston Battle refused to permit that matter to be explored.

After Ray had been sentenced to 99 years he was transferred to the state prison in Nashville. There, for the first time in almost nine months, he was able to sleep the entire night without bright lights, cameras and police agents. In the morning Ray wrote to Battle stating that he wished to ask for a trial. A few days later, with the help of an attorney in Memphis, the prisoner filed a perfected application requesting a trial and explaining how he had been coerced into entering a guilty plea.

Judge Battle was not prepared for such a motion. Just one week after he had sentenced Ray, Battle granted an interview to Bernard Gavzer of the *Washington Post*. In that interview the jurist said he had agreed to the plea of guilty because he feared a trial, believing that Ray "could have perhaps been acquitted by a jury." The judge picked up Ray's application for a trial, read it and, then, quite literally, dropped dead—his body was discovered a few minutes later. He had died of a stroke while reading Ray's application.

Under Tennessee Code Annotated, Section 17-117, Ray thereby earned the right to a trial. The statute states that an application for a new trial is automatically granted if a judge before whom it is pending either dies or becomes permanently insane before having issued a formal decision. *Yet the courts of Tennessee have refused to permit Ray to be tried for the murder of Dr. King, and the matter of Section 17-117 was never brought up before the U.S. Court of Appeals or the U.S. Supreme Court.*

If a trial were to take place, a great deal of relevant evidence would be available to the American people in open court for the first time. For example, we would learn what had happened to the FBI's electronic and eyeball surveillance of Dr. King just before he was assassinated.

J. Edgar Hoover, the late director of the FBI, had developed a pathological obsession about Dr. King. Not long before the attack in Memphis, Hoover had ordered the FBI to send a letter to Dr. King that, in effect, directed him to commit suicide. Apparently, Hoover's obsession had reached the point where he was willing to take action to accomplish his goal—the death of Martin Luther King, Jr.

Hoover employed scores of agents to monitor Dr. King's every move. Just before the murder, however, the surveillance was suddenly and mysteriously withdrawn. At a trial the reason for the order to discontinue the surveillance might be revealed.

Just before his assassination the Memphis police detail observing and guarding Dr. King was reduced and then almost entirely dismantled. One of the officers on the King detail was ordered to return to his home by Frank Holloman, then the director of fire and police in Memphis. The only Black firemen at Fire Station No. 2, just across the street from the murder scene, were transferred to other fire stations hours prior to the shooting. Five minutes before the murder the police cars surrounding the murder scene all retired from duty temporarily because, as a Memphis official later explained, the officers "all had to go to the bathroom at the same time." Holloman had been an FBI agent for 25 years before assuming control of the Memphis police and fire departments not long before the assassination. For eight of those years he had served as the FBI's Chief Inspector and personally ran Hoover's office in Washington, D.C.

Just days before the assassination of Dr. King on the balcony of the Lorraine Motel, Hoover had set in motion a plan to place Dr. King at that establishment. He ordered the FBI office in Memphis to send a press release to the Memphis news media that was not to be attributed to the bureau. The release was designed to drive Dr. King from the security of the large Holiday Inn Rivermont, located outside the downtown area, and into the Lorraine, which provided as much security as a shooting gallery. The Lorraine had no central entrance—all the doors to the rooms were visible. Across the street, from behind the partial cover provided by bushes and trees, were many vantage points, including the window of the communal bathroom at 418½ South Main.

Arthur Murtagh had been a special agent of the FBI for more than 20 years. Now he practices law in Constable, New York, and teaches at nearby Clarkson College. For a long time he served in Hoover's "Destroy King Squad," which was based in the FBI's Atlanta office. In Murtagh's words: "It was an organized vendetta. They were going to get King in one way or the other."

When I asked him what he believed the FBI would have done if the bureau had advance knowledge that an attempt to murder Dr. King was to be made, he said, "They would sit on it and let King get killed if the bureau felt it would not be traced back to them." He said that it was entirely conceivable to him that, given the atmosphere in Hoover's FBI, some agents might have been capable of getting involved in a plot to assassinate Dr. King.

Murtagh then recounted for me a chilling incident of April 4, 1968: "The day that King was shot I was at the office with an FBI agent who was at the supervisory level. He was a young man, twenty-nine to thirty-two years old, handsome, nice dresser, reasonably intelligent—a man the women in the office were crazy about. He was friendly with me. We heard the announcement—that King had been shot—as we were preparing to leave. This agent jumped for joy, literally leaping in the air, and yelled, 'They got Zorro! They got the son of a bitch! I hope he dies!'

"As we signed our 'salmon cards' [location rosters], the agent explained to me how King was nothing but a 'goddamn Communist' troublemaker anyway. Then we heard that King had died. Again he was elated; he just went crazy with joy."

Following the murder of Dr. King riots broke out, and a number of American cities were set on fire. Murtagh said that the Department of Justice called on the FBI to investigate the killing. Hoover sent the request to the Special Agent in Charge in Atlanta, who turned it over to the intelligence unit—the "Destroy King Squad." The very people who had illegally harassed Dr. King when he was alive—

including the agent who jumped for joy when he died—were put in charge of the probe. Memphis had the early lead material, and FBI headquarters in Washington directed the early stages of the investigation; but within a day or two the operation was directed out of Atlanta by the "Destroy King Squad."

Recently I met with J. B. Stoner, a member of the Georgia bar. He had just been indicted in Birmingham, Alabama, and charged with the bombing of a church there in 1963. Stoner told me that during 1957 and 1958 a man he had met some years before had offered him \$25,000 to have Martin Luther King killed. That man, whom Stoner identified for me, had been responsible for the bombing of various Black churches and the houses of Black leaders in Birmingham. Stoner told me that he subsequently learned that the man was working as an undercover agent for the FBI.

In September 1976 the House of Representatives established a Select Committee on Assassinations to investigate the murders of President John F. Kennedy and Dr. King. That committee is now under the guidance of G. Robert Blakey. He has announced that its investigators would only be hired after being checked (and presumably cleared) by the FBI and the CIA. The hope that the House committee would conduct a serious and thorough investigation of the crimes now seems severely diminished.

Only a public and open trial can begin to provide the answers to the questions still plaguing us a decade later. Neither James Earl Ray nor his brothers sent Grace Walden to a mental institution. They did not discontinue the police and FBI surveillance of Dr. King just before his death. They did not arrange for Dr. King to stay at the Lorraine Motel, nor did they send him a note prodding him to commit suicide. They have not circulated false stories for civil-liberties organizations and others to adopt and promulgate. *The refined choreography of the assassination was far beyond their combined talents and capacity.*

The truth, if it is to be known, will be known only when the American people successfully demand that the state of Tennessee put James Earl Ray on trial for the murder of Dr. Martin Luther King, Jr.

Mr. BLAKEY. Before examining the merits of this allegation, it would be instructive to get to know the background of the supposed witness, Grace Walden.

According to police records obtained by the committee, Grace Walden was born in Paragould, Ark., on October 15, 1915. She has been married five times but has no children. At present she is legally married to Merrill Abbott Walden.

Ms. Walden has an arrest record that dates from 1942 in such States as Georgia, Tennessee, Arkansas, and Mississippi. She has been arrested over 50 times and convicted of public drunkenness, soliciting for prostitution, passing bad checks, disorderly conduct, resisting arrest, loitering, vagrancy, driving while intoxicated, driving without a valid operator's license and carrying an unregistered pistol.

At the time of the assassination, Ms. Walden was living in a common law marriage with Charles Q. Stephens in room 6B of Bessie Brewer's roominghouse at 422½ South Main Street, Memphis. This second-floor room is adjacent to 5B, the room James Earl Ray admitted renting under the alias of John Williard on the afternoon of April 4, 1968.

Mr. Chairman, it would be appropriate at this time to have displayed MLK exhibit F-20A; MLK exhibit F-20 has already been introduced in the record.

This exhibit is an overlay diagram of the relevant rooms of Bessie Brewer's roominghouse, which is MLK exhibit F-20.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[MLK exhibit F-20A follows.]



Mr. BLAKEY. Shortly after the shooting, Ms. Walden was interviewed in her room by Lt. Glynn King and Capt. R. L. Williams of the Memphis police. She told them that she and her husband had spent most of the day in their room. The tenant of room 5B had been running back and forth between 5B and the bathroom, as the committee can see on the exhibit, and about 2 minutes before the shot was fired he went to the bathroom again. After the shot the man ran down the hall toward the front of the building, according to Ms. Walden's statement. She said she was sick and did not get out of bed that day. She said that she did not see the man.

At this time, Mr. Chairman, it would be appropriate to introduce into the record as MLK exhibit F-311, the affidavit of Lieutenant King, who swore to the accuracy of Ms. Walden's statement and specifically said that he had not been instructed to falsify any part of her statement and, indeed, did not fabricate his report.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

A F F I D A V I T

I, Glynn King, a resident of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on April 4, 1968, I was a lieutenant with the Homicide Division of the Memphis Police Department.

That on the evening of April 4, 1968, following the assassination of Dr. Martin Luther King, Jr., I had occasion to interview a number of witnesses in the rooming house located at 422½ South Main Street, Memphis, Tennessee.

That I have read the statement of Grace Hays Walden Stephens contained in the attached page from Supplement #4 of the Memphis Police Department Homicide Report and know it to be an accurate representation of the statement which was voluntarily given to me by Grace Hays Walden Stephens in her room at 422½ South Main Street shortly following the assassination of Dr. King on the evening of April 4, 1968.

That I was never instructed to or requested to - nor did I in fact - falsify any portion of the statement given to me by Grace Hays Walden Stephens.

That at no time during the investigation by the Memphis Police Department and Federal Bureau of Investigation did Grace Hays Walden Stephens tell me - or anyone else to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens never provided a description of a man exiting the bathroom following the shot to a police artist or to anyone.

That to my knowledge Grace Hays Walden Stephens was never requested to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never offered a reward of \$100,000, or of any amount, to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never threatened in any way for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge the commitment of Grace Hays Walden Stephens to the John Gaston Hospital Psychiatric Ward and later to Western State Mental Health Institute at Bolivar, Tennessee, was totally unrelated to any status she may have had as a witness in the trial of James Earl Ray for the assassination of Dr. King.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


GLYNN KING

Sworn and subscribed to before me on this 3
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES OCT. 6, 1982

SUPPLEMENT #1

MARTIN LUTHER KING JR., MC39
 HOMICIDE #3367
 Thursday, April 4, 1968, 6:00PM

RE: Interviews made at the scene
 at 4:22½ S. Main

Reported by: Lt. G. King and Capt. R. L. Williams

While at the scene of this fatal shooting it was determined that the shot had come from the bathroom window in the rear of 422½ South Main. While making the scene investigation the following subjects were interviewed and the results of these interviews are as follows:

WILLIAM ANSCHUTZ MW59, 422½ S. Main Apt. 4B, employed as a laborer at Duvall Transfer Co. He stated that he and Bessie Ledbetter FW, deaf mute, were in his room watching the television when he heard the shot. He stated that he opened the door to his room and looked out into the hall and that a white man ran by him going toward the front or Main St. side of the building. He stated that the man was carrying something wrapped in what he thought was a blanket. He said the man ran by him and said that somebody had been shot and then ran on down the front stairs of the rooming house.

CHARLIE QUITMAN STEPHENS MW46, 422½ S. Main, Apt. 6B, unemployed disabled veteran, who had tuberculosis stated that he and his wife Grace were in their room at the time the shot was fired. He stated that at about 4:00PM, Thursday, 4-4-68 he went out of his room to go around to the other side of the building to see the landlady and that as he started down the hall, the landlady and a man were coming out of the door to apt. 5B. He stated that the man was 5'10" to 5'11", medium build, 160 to 165 lbs. dark sandy hair, ruddy complexion, 30 yrs. old, wearing a black suit, white shirt and a dark colored tie, that he thought was black and that it was a plain tie without any figures in it. He stated that when he saw this man he did not have any baggage with him. He stated that he and his wife were in their room all afternoon and that about 4 or 5 times from the time the man was in the hall with the landlady, he heard the man go back and forth to the bathroom. He stated that about 2 minutes before he heard the shot he heard the man from Apt. 5B go to the bath room again and when the shot was fired, he moved a chair that was in front of his door and looked out into the hall and saw the man he had seen earlier running down the hall toward the front of the building carrying something long that he thought was wrapped in newspaper. He stated that the shot definitely came from the bathroom.

MRS. GRACE STEPHENS FW51½, 422½ S. Main Apt. 6B unemployed was interviewed and she stated that she and her husband Charlie had been in their room most of the day and that someone that was apparently living in room 5B kept running back and forth between 5B and the bathroom, that whoever it was made 4 or 5 trips and that about 2 minutes before the shot was fired he went to the bathroom again and after the shot was fired from the bathroom, he ran down the hall toward the front of the building. She stated that she never did get out of bed, because she was sick and that she never did see the man.

B. L. REEVES, MW 74, 422½ S. Main Apt. 3 (south side), retired stated that he was in his room and heard something that sounded like a shot and that he came out of his room to see what was going on because the shot sounded like it was pretty close by, but that he did not see anything.

HAROLD W. CARTER, MW53, 422½ S. Main Rm. 9 (south side), unemployed stated that he was crazy and not to pay any attention to what he said. He stated that he had just come upstairs and went into his room and that he heard what sounded a mighty lot like a shot, but that he did not come back out of his room.

WYRED W. EDEN MW61, 422½ S. Main #10, unemployed stated that he was in his room and didn't see or hear anything unusual.

Mrs. BESSIE BREWER FW 44, residence 422½ S. Main #2 employed as manager of 422½ S. Main one, 527-0167 stated that at approximately 3 or 3:30PM, 4-4-68 a male white whom she described as approx. 35 years old, 6', 190 lbs., wearing what she thought was a dark suit, neatly dressed, clean shaven came to her apt. which is also used as an office and used to rent a sleeping room. She stated that she could not remember what color his eyes were or what color or how his hair was combed, but that she did notice how neat he was. She stated that she showed him apt. #8 on the south side of the building, but that he did not want that room and that she then showed him apt. 5B and he said that that room was just what he wanted and that he rented the room for one week, paying her \$8.50 in cash, out of a dollar bill. She showed us 3 20 dollar bills and stated that she didn't know which one was the one he gave her. She said the man had a local accent. She stated that he did not have anything in his hands when she talked to him. She stated that he gave the man JOHN WILLARD when he rented the room, but that he did not sign anything, that she put out the receipt herself.

B. REEVES MW74 was interviewed again by Capt. Williams and he stated that he saw the man that Mrs. BREWER had rented the room to. He stated that he saw one side of the man's face as he came out of Mrs. Brewer's apartment. He described the MW as 25 to 30 years old.

Mr. BLAKEY. Lieutenant King also said that at no time during the investigation did Ms. Walden tell him that she saw the man who fled from the roominghouse bathroom following the shot that killed Dr. King.

It is also appropriate at this time, Mr. Chairman, to introduce the affidavit of Tommy Smith as MLK exhibit F-312. Mr. Smith was a Memphis police lieutenant on April 4, 1968.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-312

A F F I D A V I T

I, Tommy Smith, of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on April 4, 1968, I was a lieutenant with the Homicide Division of the Memphis Police Department.

That on the evening of April 4, 1968, following the assassination of Dr. Martin Luther King, Jr., I had occasion to be present at the rooming house located at 422½ South Main, Memphis, Tennessee, and to interview a number of witnesses at that location.

That although I did not personally interview Grace Hays Walden Stephens, I was present while she was being questioned as *as on a couch. That I believe was on the bed wall of the room* she lay in bed in Room 6-B of the rooming house. *T.H.S.*

That I ~~distinctly~~ ^{T.H.S.} recall Grace Hays Walden Stephens stating that she saw no one leaving the bathroom following the shot or at any time because she was sick in bed.

That in my opinion at the time they were questioned on the evening of April 4, 1968, both Grace Hays Walden Stephens and her common law husband, Charles Quitman Stephens, had been drinking and were intoxicated.

That at no time during the Memphis Police Department and Federal Bureau of Investigation investigation did Grace Hays Walden Stephens tell me - or anyone else to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. Martin Luther King, Jr.

That to my knowledge Grace Hays Walden Stephens never provided a description of a man exiting the bathroom following the shot to a police artist or to anyone.

That to my knowledge Grace Hays Walden Stephens was never requested to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never offered a reward of \$100,000, or of any amount, to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never threatened in any way for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge the commitment of Grace Hays Walden Stephens to the John Gaston Hospital Psychiatric Ward and later to Western State Mental Health Institute at Bolivar, Tennessee, was totally unrelated to any status she may have had as a witness in the trial of James Earl Ray for the assassination of Dr. King.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Futher affiant saith not.

Thomas H. Smith
TOMMY SMITH

Sworn and subscribed to before me on this 3
day of November, 1978.

Jenny Sue Gamble
NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES OCT. 6, 1982

Mr. BLAKEY. Mr. Smith swears that although he did not interview Ms. Walden at the roominghouse that evening, he was in her room when she was questioned by other officers. He specifically recalled that she said she saw no one leaving the bathroom following the shot or at any time, because she was "sick in bed."

Smith adds that it appeared that both Ms. Walden and Charles Q. Stephens had been drinking. To his knowledge, Ms. Walden never mentioned that she saw a man leave the bathroom during the course of the investigation of Dr. King's death.

At 9:50 p.m. on April 4, 1968, Grace Walden was also interviewed at Memphis police headquarters by Lt. J. D. Music and FBI agent C. F. Busch. She told the officers that she had been home all day and at the time of the shot heard what sounded like "five railroad firecrackers," a familiar noise since she lived near railroad tracks. She heard the shot, screaming from the Lorraine Motel across the street, and then sirens. According to Lieutenant Music, she said she only left the room once that day to use the bathroom.

Mr. Chairman, at this point it would be appropriate to enter the affidavits of J.D. Music and C. F. Busch into the record as MLK exhibits F-313 and F-314.

Chairman STOKES. Without objection, they may be entered into the record.

[The information follows:]

MLK EXHIBIT F-313

A F F I D A V I T

I, J. D. Music, a resident of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on April 4, 1968, I was a lieutenant with the Homicide Division of the Memphis Police Department.

That on the evening of April 4, 1968, following the assassination of Dr. Martin Luther King, Jr., I had occasion to interview and obtain signed statements from a number of witnesses.

That I have read the attached statement and believe it to be a true and correct copy of the signed statement which was voluntarily given to me by Grace Hays Walden Stephens on the evening of April 4, 1968.

That I was never instructed to or requested to - nor did I in fact - falsify any portion of the statement given to me by Grace Hays Walden Stephens.

That at no time during the Memphis Police Department and FBI investigation did Grace Hays Walden Stephens tell me - or anyone else to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens never provided a description to a police artist or to anyone of a man exiting the bathroom following the shot which kill Dr. King.

That to my knowledge Grace Hays Walden Stephens was never requested to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens was never offered a reward of \$100,000, or of any amount, to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens was never threatened in any way for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot which killed Dr. King.

That to my knowledge the commitment of Grace Hays Walden Stephens to the John Gaston Hospital, Psychiatric Ward and later to Western State Mental Health Institute at Bolivar, Tennessee, was totally unrelated to any status she may have had as a witness in the trial of James Earl Ray for the assassination of Dr. Martin Luther King, Jr.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


J. D. MUSIC

Sworn and subscribed to before me on this 3
day of November, 1978.

Jenny Sue Gambel
NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES OCT. 6, 1982

STATEMENT OF: Grace Hays Stephens, FW, 51, residence, 422 1/2 S. Main (rear room), phone unknown, unemployed, taken at Central Police Headquarters, 9:50 P.M., April 4, 1968.

Questioned by: Lt. J. D. Music and Agent C. F. Busch Typed by: Margaret Kenley

Relative to the shooting of Martin Luther King, Jr., male colored, that occurred on Thursday, April 4, 1968, at approximately 6:15 P.M. at 405 Mulberry, the Lorraine Hotel-Motel.

- Q. Grace, were you at home the afternoon of Thursday, April 4, 1968?
- A. Yes, sir, I been home all day long.
- Q. Did you see or hear anything unusual that day?
- A. No, sir, you know those railroad firecrackers that go off all day, that's the only thing I heard.
- Q. How many of those railroad firecrackers did you hear?
- A. I believe there was about five of them.
- Q. Did any of the railroad firecrackers sound any different from the others?
- A. No, it didn't. Just sounded like it was fixing to come through the bedroom, is
- Q. Do you remember the times that you heard these railroad firecrackers?
- A. No, sir, I don't. I was having trouble sleeping anyway.
- Q. Was anyone else in the room with you?
- A. My husband, Charlie Q. Stephens.
- Q. Did he hear the railroad firecrackers?
- A. Yes, he told me once to try to go to sleep, it was just a railroad over there.
- Q. Do you know how many rooms are up in that group where you live?
- A. I believe there are nine on the side where you come up from Main St. and I believe there is the same number on the other side.
- Q. How long have you been living there?
- A. Since I got out of the hospital last Monday.
- Q. Did you see or hear anyone moving outside of your room during the day?
- A. Yes, sir, I heard people going to the bathroom and I heard the commode flush. One time I heard someone go to the bathroom, but didn't hear the commode flush and right after that I heard what I thought was a railroad firecracker. Then I heard a bunch of screaming coming from the motel over across the street, I don't know the name of the street. The next thing I heard was some sirens.
- Q. Do you recall what time it was approximately that you heard someone go to the bathroom and you heard this railroad firecracker?
- A. I just don't know.
- Q. Could you tell by sound if the party that went to the bathroom that last time that you were talking about was a man or woman?
- A. It was a man by the way the feet sounded. He wasn't too heavy from the way it sounded, but he did have hard heeled shoes because I could hear the heels and couldn't hear the rest of his shoes.
- Q. Have you left your room at any time during the day?
- A. Charlie helped me to the bathroom one time. It was about 2 o'clock this afternoon.

Grace H. Stephens

MLK EXHIBIT F-314

A F F I D A V I T

I, C. F. Busch, of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That in April of 1968, I was employed by the Federal Bureau of Investigation and assigned to the Memphis, Tennessee Field Office.

That on the evening of April 4, 1968, following the assassination of Dr. Martin Luther King, Jr., I had occasion to interview and obtain a signed statement from Grace Hays Stephens at the Memphis, Tennessee Police Department.

That I have examined the attached statement dated April 4, 1968, and signed by Grace H. Stephens and know it to be a true and correct copy of the statement obtained by me on the evening of April 4, 1968.

That at no time during the investigation by the Memphis Police Department and the Federal Bureau of Investigation did Grace Hays Walden Stephens tell me - or anyone to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens never provided a description of ^{any person as} ~~a man~~ exiting the bathroom following the shot to the Federal Bureau of Investigation, a police artist or to anyone.

That to my knowledge Grace Hays Walden Stephens was never requested by the Federal Bureau of Investigation or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never offered a reward of \$100,000 or of any amount, by the Federal Bureau of Investigation or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never threatened in any way by the Federal Bureau of Investigation or anyone for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the rooming house bathroom following the shot.

That to my knowledge there was never a plan by the Memphis Police Department, the Shelby County Attorney General's Office, or the Federal Bureau of Investigation, or by anyone, to have Grace Hays Walden Stephens committed to a mental institution to prevent her from testifying in the James Earl Ray murder trial or for any reason.

That to my knowledge the commitment of Grace Hays Walden Stephens to the John Gaston Hospital Psychiatric Ward and later to Western State Mental Health Institute at Bolivar, Tennessee, was totally unrelated to any status she may have had as a witness in the trial of James Earl Ray for the assassination of Dr. Martin Luther King, Jr.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.

Cyril F. Busch
C. F. BUSCH

Sworn and subscribed to before me on this 7th
day of November, 1978.

Ann M. Russell
NOTARY PUBLIC

My Commission Expires:

3-23-82

STATEMENT OF: Grace Keys Stephens, FW, 51, residence, 422 1/2 S. Main (rear room);
phone unknown, unemployed, taken at Central Police Headquarters, 9:50 P.M., April 4,
1968.

Questioned by: Lt. J. D. Music and Agent C. F. Busch Typed by: Margaret Kenley

Relative to the shooting of Martin Luther King, Jr., male colored, that occurred
on Thursday, April 4, 1968, at approximately 6:15 P.M. at 405 Mulberry, the
Lorraine Hotel-Motel.

- Q. Grace, were you at home the afternoon of Thursday, April 4, 1968?
- A. Yes, sir, I been home all day long.
- Q. Did you see or hear anything unusual that day?
- A. No, sir, you know those railroad firecrackers that go off all day, that's the only think I heard.
- Q. How many of those railroad firecrackers did you hear?
- A. I believe there was about five of them.
- Q. Did any of the railroad firecrackers sound any different from the others?
- A. No, it didn't. Just sounded like it was fixing to come through the bedroom, is
- Q. Do you remember the times that you heard these railroad firecrackers?
- A. No, sir, I don't. I was having trouble sleeping anyway.
- Q. Was anyone else in the room with you?
- A. My husband, Charlie Q. Stephens.
- Q. Did he hear the railroad firecrackers?
- A. Yes, he told me once to try to go to sleep, it was just a railroad over there.
- Q. Do you know how many rooms are up in that group where you live?
- A. I believe there are nine on the side where you come up from Main St. and I believe there is the same number on the other side.
- Q. How long have you been living there?
- A. Since I got out of the hospital last Monday.
- Q. Did you see or hear anyone moving outside of your room during the day?
- A. Yes, sir, I heard people going to the bathroom and I heard the commode flush. One time I heard someone go to the bathroom, but didn't hear the commode flush and right after that I heard what I thought was a railroad firecracker. Then I heard a bunch of screaming coming from the motel over across the street. I don't know the name of the street. The next thing I heard was some sirens.
- Q. Do you recall what time it was approximately that you heard someone go to the bathroom and you heard this railroad firecracker?
- A. I just don't know.
- Q. Could you tell by sound if the party that went to the bathroom that last time that you were talking about was a man or woman?
- A. It was a man by the way the feet sounded. He wasn't too heavy from the way it sounded, but he did have hard heeled shoes because I could hear the heels and couldn't hear the rest of his shoes.
- Q. Have you left your room at any time during the day?
- A. Charlie helped me to the bathroom one time. It was about 2 o'clock this afternoon.

Grace H. Stephens

Mr. BLAKEY. Music swore that he had recorded Ms. Walden's statement accurately, that he had not been instructed to falsify it, and that at no time during the investigation by the Memphis police did she mention seeing a man leave the roominghouse bathroom.

On April 5, 1968, Ms. Walden was questioned by two FBI agents—John W. Bauer and Stephen M. Darlington. She told them that she was in bed all day on April 4, 1968, having been ill for several months. She said she heard a noise that sounded like railroad firecrackers, then heard soft footsteps proceeding rapidly from out of the bathroom and down the hall. She said she saw no one leave the bathroom.

It would now be appropriate, Mr. Chairman, to enter the affidavits of agents Bauer and Darlington into the record as MLK exhibits F-315 and F-316.

Chairman STOKES. Without objection, they may be entered into the record.

[The information follows:]

MLK EXHIBIT F-315

A F F I D A V I T

I, John W. Bauer, of New London, Connecticut, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily and without threats, promises, assurances, or remuneration from any source.

That in April of 1968, I was employed by the Federal Bureau of Investigation and assigned to the Memphis, Tennessee Field Office.

That I have examined the attached copy of a Federal Bureau of Investigation interview report known as a "302" dated April 6, 1968 which contains the substance of an interview conducted by me of Grace Hays Stephens on the dates of April 5, 1968 and know it to be a true and correct copy and to accurately reflect what was stated to me on that date by Mrs. Stephens.

That at no time during the investigation by the Memphis Police Department and the Federal Bureau of Investigation did Grace Hays Walden Stephens tell me - or anyone to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens never provided a description of a man exiting the bathroom following the shot to the Federal Bureau of Investigation, a police artist or to anyone.

That to my knowledge Grace Hays Walden Stephens was never requested by the Federal Bureau of Investigation or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never offered a reward of \$100,000 or of any amount, by the Federal Bureau of Investigation or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never threatened in any way by the Federal Bureau of Investigation or anyone for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the rooming house bathroom following the shot.

That to my knowledge there was never a plan by the Memphis Police Department, the Shelby County Attorney General's Office, or the Federal Bureau of Investigation, or by anyone, to have Grace Hays Walden Stephens committed to a mental institution to prevent her from testifying in the James Earl Ray murder trial or for any reason.

That to my knowledge the commitment of Grace Hays Walden Stephens to the John Gaston Hospital Psychiatric Ward and later to Western State Mental Health Institute at Bolivar, Tennessee, was totally unrelated to any status she may have had as a witness in the trial of James Earl Ray for the assassination of Dr. Martin Luther King, Jr.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.

John W. Bauer
JOHN W. BAUER

Sworn and subscribed to before me on this 13th
day of November, 1978.

Robert A. Bauer
NOTARY PUBLIC

My Commission Expires:

March 31, 1981



FEDERAL BUREAU OF INVESTIGATION

1Date 4/6/68

Mrs. GRACE HAYES STEPHENS, Apartment 6-B, 422½ Main Street, Memphis, Tennessee, furnished the following information:

Mrs. STEPHENS said that she was in bed all day on April 4, 1968, as she has been ill for several months. She advised that she heard a noise, which sounded like a firecracker at 6 p.m., April 4, 1968. She said the noise sounded to her as if it came from the yard on the east side of her apartment. She said she did not think anything about the noise as it was common for trains to set off firecrackers on the tracks on the east side of her apartment. Mrs. STEPHENS said she heard soft footsteps coming from out of the bathroom, which is located adjacent to her apartment, and proceeding rapidly down the hallway toward the entrance to the apartment building.

Mrs. STEPHENS said she then heard screaming and yelling from the east side of her apartment near the Lorraine Hotel at 406 Mulberry Street. Mrs. STEPHENS said she did not get out of bed at any time on April 4, 1968, and did not see anyone leave the apartment bathroom and knows nothing else relating to the abovementioned noise.

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On 4/5/68 at Memphis, Tennessee File # Memphis 44-1987

SAs STEPHEN M. DARLINGTON
by and JOHN W. RAUER SYD:gmb Date dictated 4/5/68 220

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MLK EXHIBIT F-316

A F F I D A V I T

270056

I, Stephen M. Darlington, of Cleveland, Ohio, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That in April of 1968 I was employed by the Federal Bureau of Investigation and assigned to the Memphis, Tennessee Field Office.

That I have examined the attached copies of Federal Bureau of Investigation interview reports known as "302's" dated April 6, 1968 and April 25, 1968 which contain the substance of interviews conducted by me of Grace Hays Stephens also known as Mrs. Charlie Stephens on the dates of April 5, 1968 and April 24, 1968 and know them to be true and correct copies and to accurately reflect what was stated to me on those dates by Mrs. Stephens.

That at no time during the investigation by the Memphis Police Department and the Federal Bureau of Investigation did Grace Hays Walden Stephens tell me - or anyone to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens never provided a description of a man exiting the bathroom following the shot to the Federal Bureau of Investigation, a police artist or to anyone.

That to my knowledge Grace Hays Walden Stephens was never requested by the Federal Bureau of Investigation or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never offered a reward of \$100,000 or of any amount, by the Federal Bureau of Investigation or by anyone to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never threatened in any way by the Federal Bureau of Investigation or anyone for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the rooming house bathroom following the shot.

That to my knowledge there was never a plan by the Memphis Police Department, the Shelby County Attorney General's Office, or the Federal Bureau of Investigation, or by anyone, to have Grace Hays Walden Stephens committed to a mental institution to prevent her from testifying in the James Earl Ray murder trial or for any reason.

That to my knowledge the commitment of Grace Hays Walden Stephens to the John Gaston Hospital Psychiatric Ward and later to Western State Mental Health Institute at Bolivar, Tennessee, was totally unrelated to any status she may have had as a witness in the trial of James Earl Ray for the assassination of Dr. Martin Luther King, Jr.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.

Stephen M. Darlington
STEPHEN M. DARLINGTON

Sworn and subscribed to before me on this 3rd
day of November, 1978.

William L. Spring
NOTARY PUBLIC

My Commission Expires:
WILLIAM L. SPRING, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

FEDERAL BUREAU OF INVESTIGATION

1Date 4/6/68

Mrs. GRACE HAYES STEPHENS, Apartment 6-B, 422 1/2 Main Street, Memphis, Tennessee, furnished the following information:

Mrs. STEPHENS said that she was in bed all day on April 4, 1968, as she has been ill for several months. She advised that she heard a noise, which sounded like a firecracker at 6 p.m., April 4, 1968. She said the noise sounded to her as if it came from the yard on the east side of her apartment. She said she did not think anything about the noise as it was common for trains to set off firecrackers on the tracks on the east side of her apartment. Mrs. STEPHENS said she heard soft footsteps coming from out of the bathroom, which is located adjacent to her apartment, and proceeding rapidly down the hallway toward the entrance to the apartment building.

Mrs. STEPHENS said she then heard screaming and yelling from the east side of her apartment near the Lorraine Hotel at 406 Mulberry Street. Mrs. STEPHENS said she did not get out of bed at any time on April 4, 1968, and did not see anyone leave the apartment bathroom and knows nothing else relating to the abovementioned noise.

29

On 4/5/68 at Memphis, Tennessee File # Memphis 44-1987

by SAs STEPHEN M. DARLINGTON
and JOHN W. BAUER SMD:gmb Date dictated 4/5/68

220

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

1Date April 25, 1968

Mrs. CHARLIE STEPHENS, Apartment 6B, 422½ South Main Street, Memphis, Tennessee, advised she never saw the man registered into Room 5B on April 4, 1968, as she was sick in bed that entire week.

Photographs of JAMES EARL RAY taken in 1955, 1960, and 1966, and of the bedspread recovered at Memphis on April 4, 1968, were shown to Mrs. STEPHENS, and she advised none of the men in the photographs were familiar to her. She also stated she had never seen the bedspread or any bedspread similar to it before.

10

On 4/24/68 at Memphis, Tennessee File # Memphis 44-1987

by SA STEPHEN M. DARLINGTON:jap Date dictated 4/25/68

796

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Mr. BLAKEY. Both swear that their report of the April 5, 1968, interview with Ms. Walden is accurate and that at no time during the FBI investigation did she tell them that she had seen a man exiting the rooming house bathroom following the shot that killed Dr. King. They also said that Ms. Walden, to their knowledge, gave no description of the man to an artist.

On April 5, 1968, Robert H. Williams of the Memphis Commercial Appeal went to the rooming house with a reporter and a sketch artist. Mr. Williams questioned Ms. Walden, who said she was in bed on April 4, 1968, and had seen nothing.

Mr. Chairman, it would be appropriate at this time to introduce into the record as Martin Luther King exhibit F-317 the affidavit of Robert H. Williams.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]

A F F I D A V I T

I, Robert H. Williams, a resident of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on April 5, 1968, I was employed by the Memphis, Tennessee Commercial Appeal, a daily newspaper.

That on April 5, 1968, I went to the rooming house at 422½ South Main Street along with a reporter and a sketch artist, also from the Commercial Appeal.

That while at the rooming house I met one of the tenants from the room next to the bathroom from which the shot was fired who identified himself as Charles Q. Stephens.

That Charles Q. Stephens in response to questions stated that he had seen the man, who had exited the bathroom following the shot but had only observed the left rear portion of the man's face and head.

That Grace Hays Walden Stephens, also a tenant of the room adjacent to the bathroom, was also questioned as she lay in bed and that in response to these questions, she stated that she was in bed on April 4, 1968, and had not seen anything.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those

concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


ROBERT H. WILLIAMS

Sworn and subscribed to before me on this Feb.
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:

My Commission Expires October 14, 1979

Mr. BLAKEY. William Herrington, an artist for the Commercial Appeal, also went to the rooming house the day after the assassination to draw a composite sketch of the man who had been seen leaving the bathroom after the shot was fired that killed Dr. King. He drew the sketch based upon a description provided by Charles Stephens, who said that although he did not see the face of the man "real good", he did see the back of the suspect's head as he ran down the hall.

Mr. Chairman, at this time it would be appropriate to enter the sketch and the affidavit of artist William Herrington into the record as Martin Luther King exhibit F-318.

It would also be appropriate to have the artist's sketch displayed.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]



A F F I D A V I T

I, William Herrington, a resident of Horn Lake, Mississippi, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remunerations from any source.

That on April 5, 1968, I was employed by the Memphis, Tennessee, Commercial Appeal, a daily newspaper.

That on that date I was instructed by the managing editor of the newspaper to go to the rooming house at 422½ South Main Street for the purpose of drawing a composite sketch of the man who had been seen leaving the rooming house bathroom following the shot which killed Dr. King.

That pursuant to those instructions I went to the rooming house where I drew a sketch of the man seen leaving the bathroom after the shot.

That I drew this sketch based solely upon a description provided me by a tenant named Charles Q. Stephens who told me that although he did not see the face of the man who exited the bathroom following the shot "real good", he did see the back of his head as he ran down the hall.

That I have examined the attached sketch and recognize it to be a true and accurate copy of the sketch which I drew on April 5, 1968, and which was subsequently published in the Commercial Appeal.

That I have a vague recollection of a woman being present in the room when I spoke to Charles Q. Stephens, but I never spoke to her.

That the sketch which I drew on April 5, 1968, and which was subsequently published in the Commercial Appeal was in no way based upon any description provided by Grace Hays Walden Stephens or by anyone other than Charles Q. Stephens.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, onstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


WILLIAM HERRINGTON

Sworn and subscribed to before me on this 3rd
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:

My Commission Expires October 14, 1979

For Assassin's Plan

A Southern Drawl, A Few Steps,
A \$20 Bill And The Scene
Was Laid For Murder

By WILLIAM SORRELS

Dr. Martin Luther King Jr.'s assassin said his name was John Willard.

He spoke with a Southern drawl.

He paid for his \$8.50 a week room with a crisp \$20 bill, fishing it out of his right front pocket and holding it in both hands before handing it to the landlady at 422½ South Main.

He wore a dark suit and appeared to have little in common with men forced to stay in a flophouse.

He took no more than 13 steps when he walked from Room 5, where a 50-watt light bulb snapped off when he pulled a ceiling chain, to a dingy bathroom where he lay in wait to shoot Dr. King.

His mission was accomplished at 8:01 p.m.

With unerring aim, he cut down Dr. King, standing alone on the balcony of the Lorraine Motel exactly 205 feet and 3 inches away across Mulberry Street.

He did not have the 30-caliber, pump-action Remington rifle and telescopic sight with him when he checked into the rooming house about 3:15 p.m.

Mrs. Bessie Brewer said she left the inside chain latch on when the assassin knocked at the office door.

"He was a clean, neat man," she said. "I unlatched the door and I showed him Room 8, a \$10-a-week kitchenette, but he said, 'I only want a sleeping room.'"

"I showed him Room 5 and he said, 'This will be fine.'"

"We went back to the office."

"He said his name was John Willard and I wrote out a receipt."



Sketch Of Killer

—Staff Drawing by William Herrington

Memphian," she said. She said she never asks questions.

Room 4 is rented by Willie Anchutz, who works for Duvall Transfer Co. Frank Brewer, husband of the landlady, said Mr. Anchutz saw the killer immediately after the shooting.

"He said he saw him running down stairs carrying something wrapped."

Mr. Anchutz could not be reached yesterday.

Mr. Stephens said he heard the shot.

"I was in there (the kitchen) working on my radio. When that explosion went off, it

Reward In Dr. King's Death
Leaps To \$100,000—Body
Taken To Atlanta

By JOHN MEANS

The reward fund for the arrest and conviction of Dr. Martin Luther King Jr.'s murderer grew to \$100,000 yesterday while the search for the assassin spread throughout the nation.

The City Council guaranteed yesterday to underwrite \$50,000 to be added to the \$25,000 offered Thursday by The Commercial Appeal and an additional \$25,000 put up by Scripps-Howard Newspapers for the reward fund.

The body of the 39-year-old civil rights leader left Memphis yesterday morning in a bronze casket and a chartered airliner. The departure came shortly after the arrival of the nation's top law enforcement officer, United States Atty. Gen. Ramsey Clark, who conveyed President Johnson's personal sympathy to Dr. King's widow.

Mr. Clark returned to Washington last night, after announcing the investigation was spreading "several hundred miles from the borders of Tennessee."

Atty. Gen. Clark, in a hastily conference yesterday afternoon said evidence "indicates a single individual. There is no evidence of a widespread plot."

He said the investigation has already widened to several states, and it "will spread as far as the evidence takes us. It has already spread, several hundred miles from the boundaries of Tennessee now."

Though Dr. King's funeral is scheduled at 10:30 a.m. Tuesday in Atlanta, his mourners were making plans to come to Memphis Monday from all parts of the nation, to participate in a protest march in his

Mr. BLAKEY. In his statement, Herrington says,

I have a vague recollection of a woman being present in the room when I spoke to Charles Q. Stephens, but I never spoke to her.

He also states,

The sketch which I drew on April 5, 1968, and which was subsequently published in the Commercial Appeal, was in no way based upon any description provided by Grace Hays Walden Stephens or by anyone other than Charles Q. Stephens.

Another artist for the Memphis Commercial Appeal, John R. Jacobs, made a drawing of the assassination scene which included a diagram of the rooming house based on photographs taken by the Commercial Appeal photographers. It was published in the April 11, 1968, edition of the paper.

At this time I would ask that an affidavit and the sketch of the crime scene by Mr. Jacobs be entered into the record and appropriately displayed as Martin Luther King exhibit F-319.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

A F F I D A V I T

I, John R. Jacobs, a resident of Memphis, Tennessee, being duly sworn make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That in April of 1968, I was employed by the Memphis, Tennessee Commercial Appeal, a daily newspaper.

That I have examined the attached drawing of the assassination scene which was published in the April 11, 1968 edition of the Commercial Appeal and recognize it to be a true and accurate copy of a drawing made by me based upon photographs taken of the scene following the assassination of Dr. Martin Luther King, Jr., based upon photographs taken by Commercial Appeal photographers.

That the portion of the drawing depicting a figure lying with her head to the west in a bed located adjacent to the northern wall of the room was drawn by me as a representation of Grace Hays Walden Stephens at the time of the assassination.

That the location of the position of the bed in the drawing was based upon photographs of Grace Hays Walden Stephens' room taken following the assassination by Commercial Appeal photographers.

That the position of Grace Hays Walden Stephens at the moment of the assassination was based upon statements by Commercial Appeal reporters who had interviewed both she and her common law husband, Charles Quitman Stephens, at the rooming house at some point after the assassination.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations

of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


JOHN R. JACOBS

Sworn and subscribed to before me on this 6th
day of November, 1978.

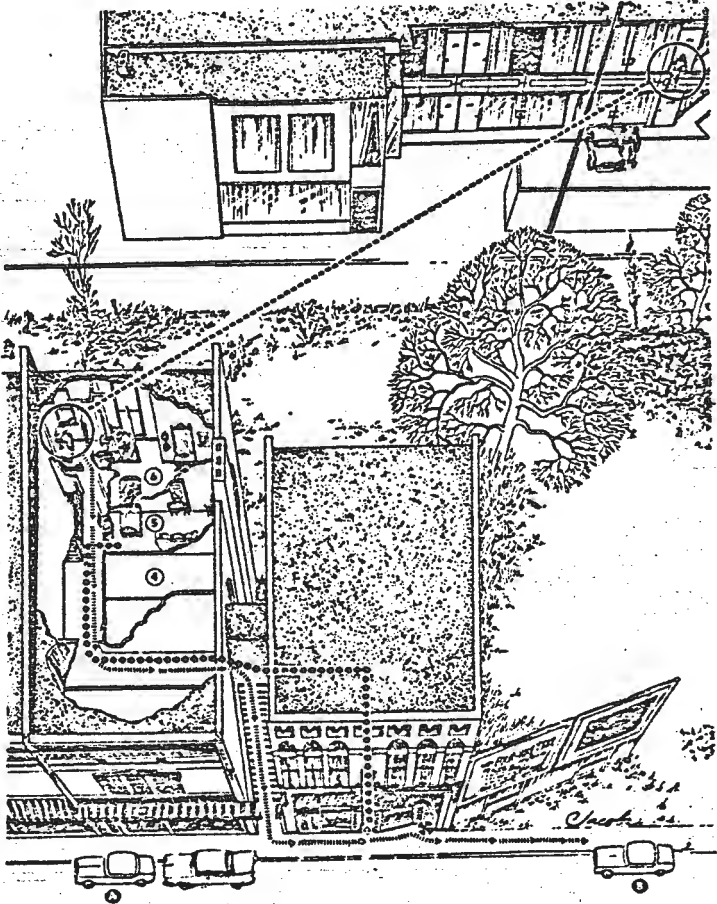
My Commission Expires:

My Commission Expires Aug. 10, 1982


Alan Evans

NOTARY PUBLIC

Miscellaneous Material



"A report of a second Mustang (B) added a new angle yesterday to investigation of the slaying of Dr. Martin Luther King, Jr. Earlier theories had indicated that a man being sought in the murder entered a flight of stairs at 422½ South Main, went to the second floor where he rented a room (line of black dots) and crossed a passageway to 418½ South Main to Room 5. Sometime before 6 pm the night of the murder, it is believed that he went to the bathroom of the rooming house and from the window of that room shot Dr. King as he stood on the second floor balcony of the Lorraine Motel in front of Room 306. He then went out the hallway (broken line) and down steps between the two buildings. Reports indicate the same man dropped a rifle and a suitcase in front of the Canipe Amusement Co. at 424 South Main (cross). The second Mustang reportedly bearing Arkansas license plates, was seen leaving shortly after 6:01 pm. Customers in Jim's Grill at 418 South Main said the other Mustang (A) was seen leaving the area about 6:15 pm."

The drawing (by John Jacobs) is from *The Commercial Appeal* (Memphis, Tennessee), Thursday, April 11, 1968. The explanatory material appeared under the picture.

Mr. BLAKEY. In his affidavit, Mr. Jacobs stated:

That the portion of the drawing depicting a figure lying with her head to the west in a bed located adjacent to the northern wall of the room was drawn by me as a representation of Grace Hays Walden Stephens at the time of the assassination.

That the location of the position of the bed in the drawing was based upon photographs of Grace Hays Walden Stephens' room taken following the assassination by the Commercial Appeal photographer.

That the position of Grace Hays Walden Stephens at the moment of the assassination was based upon statements by Commercial Appeal reporters who had interviewed both she and her common-law husband, Charles Quitman Stephens, at the rooming house at some point after the assassination.

As one can see from this drawing, the door of room 6B opens inward, toward Ms. Walden's bed. Assuming her bed was located here—a location corroborated by Charles Stephens in an interview with the committee—then it appears likely that Ms. Walden, lying in bed, as she states, could not have seen into the hallway, even if the door was partially opened.

Mr. Chairman, I would ask now that the overlay on Martin Luther King exhibit F-20 be brought over, reflecting the additional evidence in the record, and that this exhibit now be renumbered as Martin Luther King exhibit F-20A as so modified.

Chairman STOKES. Without objection, it may be so ordered.

Mr. BLAKEY. FBI agent Stephen M. Darlington reinterviewed Ms. Walden on April 24. According to the interview report form dated April 25, 1968, Grace Walden Stephens said, “* * * she never saw the man registered into room 5B on April 4, 1968, as she was sick in bed that entire week.” Agent Darlington then showed Ms. Walden photographs of James Earl Ray taken in 1955, 1960, and 1966. She said that “none of the men pictured in the photographs were familiar to her.”

On June 13, Charles Q. Stephens executed a statement, drafted by Department of Justice attorney J. Harold Flannery, in which he identified James Earl Ray as the man he saw leaving the bathroom of the rooming house. The affidavit was drafted for presentation as evidence in Ray's London extradition hearing.

Flannery also stated:

* * * To my knowledge, Grace Hays Walden Stephens was never requested to sign an affidavit identifying James Earl Ray as a man she saw exiting the rooming house bathroom following the shot which killed Dr. King, nor to my knowledge was she requested to sign any affidavit identifying anyone.

Mr. Flannery has also noted that, to his knowledge, Ms. Walden did not tell anyone that she had seen a man exiting the rooming house bathroom.

At this time, Mr. Chairman, it would be appropriate to enter the affidavit of J. Harold Flannery into the record as Martin Luther King exhibit F-320.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-320

A F F I D A V I T

I, J. Harold Flannery, of Boston, Massachusetts, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on June 13, 1968, I was an attorney employed by the United States Department of Justice.

That I have examined the attached four-page document and know it to be a true and correct copy of an affidavit which I drafted and had executed by Charles Quitman Stephens on June 13, 1968 in which he indentified James Earl Ray as the man he saw leaving the bathroom of the rooming house located at 422½ South Main Street following the shot which killed Dr. Martin Luther King, Jr.

That this affidavit was drafted and executed for the purpose of introduction as evidence into the London extradition hearing of James Earl Ray.

That to my knowledge Grace Hays Walden Stephens was never requested to sign an affidavit identifying James Earl Ray as a man she saw exiting the rooming house bathroom following the shot which killed Dr. King, nor to my knowledge was she requested to sign any affidavit identifying anyone.

That at no time during the investigation by the Memphis Police Department and the Federal Bueau of Investigation did Grace Hays Walden Stephens tell me - or anyone to my knowledge - that she had seen a man exiting the rooming house bathroom following the shot which killed Dr. King.

That to my knowledge Grace Hays Walden Stephens never provided a description of a man exiting the bathroom following the shot to the Federal Bureau of Investigation, a police artist or to anyone.

That if Grace Hays Walden Stephens had made such a statement or provided such a description, I believe that I would have known about it and would have followed up on it due to the fact that I was aware of the importance that the British authorities placed upon eyewitness testimony.

That to my knowledge neither Grace Hays Walden Stephens nor Charles Quitman Stephens was ever offered a reward of \$100,000, or of any amount, by me, the Federal Bureau of Investigation, or by anyone, to sign an affidavit identifying James Earl Ray as a man she observed exiting the bathroom following the shot.

That to my knowledge Grace Hays Walden Stephens was never threatened in anyway by me, the Federal Bureau of Investigation, or by anyone for a failure to sign an affidavit identifying James Earl Ray as a man she observed exiting the rooming house bathroom following the shot.

That to my knowledge there was never a plan by the Memphis Police Department, the Shelby County Attorney General's office, or the Federal Bureau of Investigation, or by anyone, to have Grace Hays Walden Stephens committed to a mental institution to prevent her from testifying in the James Earl Ray murder trial or for any reason.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to

Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.

J. Harold Flannery
J. HAROLD FLANNERY

Sworn and subscribed to before me on this 6th
day of November, 1978.

Deborah A. Winard
NOTARY PUBLIC
Deborah A. Winard

My Commission Expires:

1/31/80

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF SHELBY) ss:

I, Charles Quitman Stephens, being duly sworn, depose and say:

1. I am 46 years old and right now I have no fixed address. From March of 1967 until June of 1968, I lived at 422½ South Main Street, Memphis, Tennessee. On April 4, 1968, my common-law wife and I were living there in Apartment 6-B. The floor plan attached hereto and marked Exhibit I, the original of which I have signed, is a good likeness of the relationship of the rooms on the second floor, which was my floor.

2. Mrs. Bessie Brewer was the resident manager of the rooming house. At about 4:00 p.m., or a little later, on April 4, 1968, I thought I heard Mrs. Brewer's voice in the hall and I went out of my apartment to speak to her about the hot-water heater I had been working on. From the banister of the back stairs near my apartment door I saw her and a man standing in the hallway near the entrance to Room 5-B, which is just down the hall from my bedroom. I did not recognize the man with Mrs. Brewer and I assumed he was a new guest looking at the room. The man was looking into the room near the doorway and I got a glimpse at him from his left side. I have marked on the diagram the letter "A" where the man was standing, the letter "B" where Mrs. Brewer was standing, and the letter "X" where I was standing.

3. On April 24, 1968, I looked at FBI Wanted Flyer 442-A, and I identified the profile photograph on the left as looking very much like the man I saw looking at Room 5-B on the afternoon of April 4, 1968. A duplicate of that Wanted

Flyer, which I have signed, is attached and identified as Exhibit II. I now re-examine the photograph and reaffirm that identification. I also now examine another profile photograph, which appears to be a smaller copy of the one in the Flyer, and affirm that it looks very much like the man I saw looking at Room 5-B on the afternoon of April 4, 1968. This photograph is attached and identified as Exhibit III, and I have signed it. The pointed nose and chin are the principal features that stand out in my identification of the man pictured in Exhibit III as the man I saw with Mrs. Brewer looking into Room 5-B on April 4, 1968.

4. My wife and I spent the rest of the afternoon in our apartment. I am a disabled war veteran who has been treated for tuberculosis and spent most of my time in my bedroom. My wife was also ill and was at that time a bed patient.

5. After seeing the strange man with Mrs. Brewer, I heard someone in Room 5-B and assumed the man I had seen had rented the room next door. Several times that afternoon I heard footsteps in Room 5-B, and two or three times I heard footsteps leaving Room 5-B and going past my room and into the common bathroom at the end of the hall. The first couple of times the person from 5-B went to the bath he did not stay but a few minutes and once I heard the toilet flush. Each time I heard footsteps going back to Room 5-B. About the third time I heard footsteps from Room 5-B to the bathroom the person stayed what seemed like a long time. It seemed like a long time because while he was in there I wanted to use the toilet.

6. While this person was in there so long, Mr. Willie Anschutz, who lived in Room 4-B, knocked on my door and asked who the hell was staying in the bathroom so long. I opened my door and told him I didn't know, and he went back to his room.

7. Toward the end of the afternoon, sometime between 5:00 p.m. and 6:00 p.m., I was in my kitchen working on a small radio when I heard a shot. I have placed a double "XX" mark on the floor plan, Exhibit I, to show where I was when I heard the shot. I could tell that it came from the bathroom because it was very loud and the partition between my kitchen and the bathroom is thin plyboard.

8. I had not heard footsteps going back to Room 5-B between the time the person went in for so long and the time I heard the shot.

9. Right after the shot, I heard through a broken pane in my kitchen window a lot of voices yelling and hollering across the street from my building near the Lorraine Motel. I looked out my window toward the noise and I saw a lot of people milling around near the motel. Then I went to my door and opened it. I would say that about a minute, not more, passed between my hearing the shot and when I opened the door. First, I looked toward the bathroom and I saw that the door was open and it was empty. Then I went to the banister and looked the other way. When I did, I saw a man running near the end of the hallway. I have put an "O" mark on the floor plan, Exhibit I, to show about where he was when I saw him. He was carrying a bundle in his right hand. From what I could see, the bundle was at least three or four feet long and six or eight inches thick. The bundle appeared to be wrapped in what looked like newspaper. The man turned left toward the stairs when he reached the end of the hallway. Although I did not get a long look at him before he turned left, I think it was the same man I saw earlier with Mrs. Brewer looking at Room 5-B. The man running down the hall had on a dark suit, the same as the man I saw earlier.

10. Then I went back to my kitchen window. This time I saw a lot of people and policemen at the Lorraine Motel. A policeman near the embankment behind my building yelled at me to get away from the window, so I sat down in my bedroom.

Charles Quitman Stephens
CHARLES QUITMAN STEPHENS

Sworn to and subscribed before
 me this 13th day of June, 1968

W. Lloyd Johnson
W. LLOYD JOHNSON
 Clerk, United States
 District Court for the
 Western District of Tennessee,
 U. S. A.

I hereby certify that this and the attached three pages and the attached documents identified as Exhibits I, II, and III comprise the original affidavit of Charles Quitman Stephens executed, sworn to, and subscribed before me this 13th day of June, 1968.

W. Lloyd Johnson
W. LLOYD JOHNSON

Mr. BLAKEY. Robert Jensen, special agent in charge of the FBI Memphis Field Office in 1968, supervised the local investigation of the assassination. He told the committee that Ms. Walden's statement to Memphis police agents was to the effect that she saw nothing following the shot that killed Dr. King because she was in bed all day. He also stated that she "... was never requested by the FBI or by anyone to sign an affidavit identifying James Earl Ray as the man she observed exiting the bathroom following the shot."

In addition, Jensen explained that she was never offered a reward of \$100,000, or any amount, to sign such an affidavit and that she was never threatened for failure to sign such an affidavit.

Thus, Mr. Chairman, by April 25, Ms. Walden, according to the evidence available to the committee, had said on numerous occasions, not only to Memphis police officers and FBI agents but also to a newspaper reporter as well, that she did not see the man who exited the bathroom following the shot that killed Dr. King.

In addition, a careful review by the committee of journalistic coverage of the assassination reveals numerous references to statements by Charles Stephens and Willie Anschutz—witnesses who

allegedly saw someone run down the hallway—while there is no mention of any account by Ms. Walden.

Finally, Ms. Walden's position, as reconstructed from the affidavits of the Memphis Commercial Appeal reporters, was not such that she could have seen anyone run down the hall.

Mark Lane, nevertheless, has claimed that Ms. Walden was taken to the Psychiatric Ward of John Gaston Hospital by Memphis homicide officers on July 8 in an effort to cover up what she knew. As part of its effort to be thorough, the committee investigated the circumstances of Ms. Walden's hospitalization.

A few weeks after he identified Ray as the man he saw fleeing from the rooming house bathroom, Charles Q. Stephens was, in fact, taken into protective custody as a material witness in the case. Under the conditions of his initial confinement, Mr. Stephens was free to go where he pleased as long as he was accompanied by two police officers.

At the time, Mr. Stephens was Ms. Walden's sole means of support. They shared a \$106 monthly check that Mr. Stephens received from the Veterans Administration. At the time Ms. Walden was taken to the hospital by Mr. Stephens they were accompanied by Memphis patrolmen Randall W. Thrasher and William L. Srygley.

To hear live testimony on the circumstances surrounding this hospitalization, it would be appropriate at this time, Mr. Chairman, to call former Memphis police officer William L. Srygley.

Chairman STOKES. The committee calls Mr. Srygley.

Would you please stand and raise your right hand and be sworn?

Do you solemnly swear that the testimony you will give the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SRYGLEY. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes staff counsel Jeremy Akers.

TESTIMONY OF WILLIAM L. SRYGLEY, FORMER MEMPHIS, TENN., POLICE OFFICER

Mr. AKERS. Would you state your name for the record, please?

Mr. SRYGLEY. W. L. Srygley.

Mr. AKERS. Mr. Srygley, what is your current address?

Mr. SRYGLEY. 3777—

The CHAIRMAN. Counsel, suspend for a moment.

Sir, would you mind placing the microphone closer to you and speaking into it? Thank you.

Mr. SRYGLEY. 3777 Ladue.

Mr. AKERS. Would you repeat that address?

Mr. SRYGLEY. 3777 Ladue, L-a-d-u-e, Memphis, Tenn.

Mr. AKERS. Mr. Srygley, you are appearing today pursuant to a congressional subpoena?

Mr. SRYGLEY. Yes, sir; I am.

Mr. AKERS. I would like to remind you that you have been placed under oath by the chairman and that if you fail to tell the truth and the whole truth today that you could subject yourself to possible charges of perjury as well as those of congressional obstruction.

Are you aware of that?

Mr. SRYGLEY. Yes, sir.

Mr. AKERS. I will proceed with the questioning.

How are you presently employed, Mr. Srygley?

Mr. SRYGLEY. I am a driver for Roadways.

Mr. AKERS. Were you at one time employed by the Memphis Police Department?

Mr. SRYGLEY. Yes, I was.

Mr. AKERS. For how long were you so employed?

Mr. SRYGLEY. From January 1964, to December 1975.

Mr. AKERS. When did you leave the Memphis Police Department?

Mr. SRYGLEY. December 1975.

Mr. AKERS. Under what circumstances did you leave the police department?

Mr. SRYGLEY. I was terminated.

Mr. AKERS. You were terminated under what circumstances?

Mr. SRYGLEY. Violation of departmental regulations.

Mr. AKERS. And what did that violation consist of?

Mr. SRYGLEY. I bought a CB radio. They said I should have known that I was dealing with stolen radio.

Mr. AKERS. Was the CB a stolen radio?

Mr. SRYGLEY. No.

Mr. AKERS. Were you ever indicted for any criminal offense?

Mr. SRYGLEY. No.

Mr. AKERS. Were you ever convicted of any criminal offense?

Mr. SRYGLEY. No.

Mr. AKERS. Have you ever been?

Mr. SRYGLEY. No.

Mr. AKERS. Then why were you fired?

Mr. SRYGLEY. The department processed me.

Mr. AKERS. What do you mean departmental process?

Mr. SRYGLEY. The chief said, "You're fired"—I'm fired.

Mr. AKERS. Was that because the department felt that you should have known——

Mr. SRYGLEY. Yes; he said I should have known better.

Mr. AKERS [continuing]. What you were doing?

Mr. Srygley, did there come a time in the summer of 1968 that you were assigned to the protective custody detail of Charles Q. Stephens?

Mr. SRYGLEY. Yes.

Mr. AKERS. Why was Mr. Stephens placed in protective custody by the Memphis Police Department?

Mr. SRYGLEY. What?

Mr. AKERS. Why was Mr. Stephens placed in protective custody by the Memphis Police Department?

Mr. SRYGLEY. I don't know.

Mr. AKERS. You were never told why?

Mr. SRYGLEY. He says he was supposed to be a witness; but I have no——

Mr. AKERS. A witness to what?

Mr. SRYGLEY. To the King killing.

Mr. AKERS. Was anyone assigned to the detail with you?

Mr. SRYGLEY. Ronnie Thrasher.

Mr. AKERS. What were your duties under that detail assignment?

Mr. SRYGLEY. To drive him around, keep him out of the spotlight.

Mr. AKERS. What were your hours of duty?

Mr. SRYGLEY. Day shift, 7 to 3.

Mr. AKERS. Now, to what division of the Memphis Police Department were you and Thrasher assigned at that time?

Mr. SRYGLEY. Uniform patrol, headquarters.

Mr. AKERS. So you were not a part of the homicide unit at that time?

Mr. SRYGLEY. No.

Mr. AKERS. Did you wear a uniform as part of your guarding Charles Stephens?

Mr. SRYGLEY. No.

Mr. AKERS. Why not?

Mr. SRYGLEY. Told not to, may draw suspicion, make people look at you, wonder why, you know.

Mr. AKERS. In other words, you were attempting not to draw attention to Mr. Stephens?

Mr. SRYGLEY. Right.

Mr. AKERS. How long were you and your partner assigned to the protective custody detail?

Mr. SRYGLEY. I believe it was 2 weeks.

Mr. AKERS. Did there come a time while you were assigned to guard Mr. Stephens that you were requested by him to take his wife, Grace Walden Stephens, to the John Gaston Hospital?

Mr. SRYGLEY. Yes.

Mr. AKERS. Was it common for you to honor such a request by Charles Stephens?

Mr. SRYGLEY. That was what our orders were.

Mr. AKERS. What?

Mr. SRYGLEY. Take him around wherever he wanted to go.

Mr. AKERS. In the course of that you would provide protection?

Mr. SRYGLEY. Right.

Mr. AKERS. Do you recall when you took Grace Walden Stephens to John Gaston?

Mr. SRYGLEY. Do what?

Mr. AKERS. Do you recall the date that you took her?

Mr. SRYGLEY. No.

Mr. AKERS. Could that have been July 8, 1968?

Mr. SRYGLEY. Could have.

Mr. AKERS. Was that the period of time in which you were assigned to the protective custody detail?

Mr. SRYGLEY. Yes.

Mr. AKERS. When you took Grace Walden Stephens to the John Gaston Hospital, did you leave her at the emergency room?

Mr. SRYGLEY. Yes.

Mr. AKERS. What time of day was that?

Mr. SRYGLEY. I don't know.

Mr. AKERS. Well, you were working what, the day shift?

Mr. SRYGLEY. Right.

Mr. AKERS. Would it have been morning, afternoon?

Mr. SRYGLEY. It would have been the morning, yes.

Mr. AKERS. For what reason did you take her to John Gaston Hospital?

Mr. SRYGLEY. It was either a leg or ankle injury, or something like that.

Mr. AKERS. How do you know it? Did she tell you she had a leg or ankle injury?

Mr. SRYGLEY. Yes. Charlie said she fell down the steps the night before.

Mr. AKERS. Are you aware of the circumstances surrounding the fall?

Mr. SRYGLEY. He said she drank too much.

Mr. AKERS. Do you recall where you picked Ms. Stephens up?

Mr. SRYGLEY. Down on Washington, just east of Danny Thomas.

Mr. AKERS. Was that a residence where she was then living?

Mr. SRYGLEY. Right.

Mr. AKERS. A roominghouse?

Mr. SRYGLEY. Yes; it is a roominghouse.

Mr. AKERS. Did Ms. Stephens voice any objections to going to the hospital?

Mr. SRYGLEY. No.

Mr. AKERS. Did she indicate to you that she wanted to go to the hospital?

Mr. SRYGLEY. Yes. She was having trouble. She was complaining about her leg hurting.

Mr. AKERS. Did Ms. Grace Walden Stephens say anything to you during her trip to the hospital?

Mr. SRYGLEY. No; her and Charlie were in the back seat talking.

Mr. AKERS. Could you overhear what was being said?

Mr. SRYGLEY. Yes. She talked, indicated she missed being with him and didn't like living alone, indicating she was scared.

Mr. AKERS. Indicated she was scared of what?

Mr. SRYGLEY. Scared of living alone, being by herself.

Mr. AKERS. Once you arrived at the hospital, who accompanied Ms. Stephens into the emergency room?

Mr. SRYGLEY. My partner, myself, and Charlie Stephens.

Mr. AKERS. What happened at the emergency room?

Mr. SRYGLEY. We signed her in and left her in. It was the City Hospital, emergency room, City Hospital, and there are a whole lot of patients to be seen, and so we left her there, figured they'd call us when she was ready to leave.

Mr. AKERS. Did any of you request that Ms. Stephens be examined by a psychiatrist?

Mr. SRYGLEY. No.

Mr. AKERS. When you left her in the emergency room, were you expected to return to pick her up?

Mr. SRYGLEY. Right.

Mr. AKERS. Did you ever return to pick her up?

Mr. SRYGLEY. No.

Mr. AKERS. Why not?

Mr. SRYGLEY. She didn't call us.

Mr. AKERS. You were waiting for someone to call you from the hospital, to tell you to pick her up?

Mr. SRYGLEY. They would have called headquarters and headquarters would have dispatched us to pick her up.

Mr. AKERS. When you say "they," you mean someone in authority at the hospital?

Mr. SRYGLEY. Right.

Mr. AKERS. Did Ms. Stephens object to your leaving her at the emergency room?

Mr. SRYGLEY. No.

Mr. AKERS. When you left, did you know that she was going to be admitted to the psychiatric ward there?

Mr. SRYGLEY. No.

Mr. AKERS. Mr. Srygley, were you ever instructed by the Memphis Police Department, the Shelby County Attorney General's Office, the Federal Bureau of Investigation, or by anyone else to carry Ms. Stephens to John Gaston Hospital in order to have her committed to the psychiatric ward there?

Mr. SRYGLEY. No. The only person they asked us to give her to the hospital was Charlie, her husband.

Mr. AKERS. What was the name you gave me?

Mr. SRYGLEY. Her husband, Charlie. I'm sorry.

Mr. AKERS. Mr. Srygley, in taking Ms. Stephens to John Gaston were you in any way motivated by any status that she may have had as a potential witness in the assassination murder trial of James Earl Ray?

Mr. SRYGLEY. No. I didn't know she even seen him.

Mr. AKERS. Mr. Chairman, that is all I have at this time.

Chairman STOKES. The Chair recognizes the gentleman from Indiana, Mr. Fithian, for such time as he may consume.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Srygley, let me just review some of those questions again, and then I have a few additional questions.

Is it your testimony that Charles Stephens asked you and your partner to take Grace to the hospital?

Mr. SRYGLEY. Yes.

Mr. FITHIAN. Did he explain why?

Mr. SRYGLEY. She had hurt her leg.

Mr. FITHIAN. Had he then visited her?

Mr. SRYGLEY. Yes. They asked me about that. It seemed like I carried him back to the hospital to see her, but I can't be sure of that. That was a day or two later, but I'm not sure.

Mr. FITHIAN. You said that you stayed with Charles Stephens from 7 in the morning until 3 in the afternoon?

Mr. SRYGLEY. Right.

Mr. FITHIAN. Was there another detail then that took over then?

Mr. SRYGLEY. I don't know. We picked him up at the captain's office, their headquarters. We come to work; we go down and check out a cruiser; we go up there; and he would be waiting on us; and at the end of the tour of duty we carry him back to the captain's office, and that is where we left him.

Mr. FITHIAN. Do you have any knowledge of what he did between 3 in the afternoon and 7 o'clock the next morning?

Mr. SRYGLEY. No. No, sir. To be truthful, I didn't really care what he done.

Mr. FITHIAN. While you and your partner accompanied him around the city, did you simply go wherever he said? You know, "Let's go there," and you went there? In other words, you simply accompanied him?

Mr. SRYGLEY. We would be fishing and stuff like that. It wasn't bad detail. He went fishing and places like that.

Mr. FITHIAN. So he was free to go anywhere he wanted to go?

Mr. SRYGLEY. Anyplace he wanted to.

Mr. FITHIAN. All you had to do was just stay with him?

Mr. SRYGLEY. Right.

Mr. FITHIAN. Did Mr. Stephens drink?

Mr. SRYGLEY. He had a few. He didn't get drunk, but he would have a few in the evening. He would have a beer in the morning, I know. I don't remember what all he did, but he would have two or three drinks during the day.

Mr. FITHIAN. Did you or other members of this—you or your partner—purchase the drinks, buy the drinks, for him?

Mr. SRYGLEY. No. He bought them his self.

Mr. FITHIAN. And you were not instructed in any way to keep him from drinking?

Mr. SRYGLEY. No.

Mr. FITHIAN. If he wanted to drink, he drank, and if he wanted to go to a bar, you went to a bar with him; is that right?

Mr. SRYGLEY. Right.

Mr. FITHIAN. Did you tell any of the bar operators that you or the Memphis Police Department would pay for his drinks?

Mr. SRYGLEY. No.

Mr. FITHIAN. There was never any understanding between you and the bartenders—

Mr. SRYGLEY. No.

Mr. FITHIAN [continuing]. That you were going to stand responsible for his drinks?

Did you only have the one occasion to see Grace Stephens?

Mr. SRYGLEY. Right.

Mr. FITHIAN. Grace Walden Stephens?

Mr. SRYGLEY. Right.

Mr. FITHIAN. And as I understand your testimony, you took them to the emergency room—

Mr. SRYGLEY. Right.

Mr. FITHIAN [continuing]. Because Charles Stephens asked you to do that?

Mr. SRYGLEY. Right.

Mr. FITHIAN. Did you have any conversations with the attendant doctor at the emergency room?

Mr. SRYGLEY. No.

Mr. FITHIAN. Did you have any conversations with any nurse or any other personnel of the emergency room?

Mr. SRYGLEY. No.

Mr. FITHIAN. When you checked her in, was there any question about filling out emergency room forms or papers or who would be responsible for the cost of the emergency room?

Mr. SRYGLEY. No.

Mr. FITHIAN. Were you there when she answered the questions of the doctor?

Mr. SRYGLEY. No.

Mr. FITHIAN. So you know nothing of her specific complaint?

Mr. SRYGLEY. The only complaint she had when we carried her over there—it was a foot or leg or something was bothering her. She had fell.

Mr. FITHIAN. Did she tell you about the fall?

Mr. SRYGLEY. No.

Mr. FITHIAN. So now let me just understand this: All you did then was, really, Charles Stephens said, "I need to take my wife to the hospital." You drove over there, picked her up; she and Charles sat in the back, you and your partner in the front; you took her to the hospital emergency room, and once there you left?

Mr. SRYGLEY. We went in. When she went in to check in and everything, there is a police booth there. At Tennessee hospitals they keep policemen on duty there all the time. We went in there and talked to a friend of ours on the force while she checked in and everything. When she checked in, Charlie come back and says she was checked in and it would be a while before he would see her, and we left.

Mr. FITHIAN. Did you take Charles with you?

Mr. SRYGLEY. Yes.

Mr. FITHIAN. Did you think it was strange that he would leave her in the emergency room?

Mr. SRYGLEY. No.

Mr. FITHIAN. She had no objection to going to the hospital?

Mr. SRYGLEY. No.

Mr. FITHIAN. She wanted to go?

Mr. SRYGLEY. She wanted to go.

Mr. FITHIAN. Now, Mr. Srygley, did you have any conversations with any of your superiors pertaining to Grace Walden Stephens' hospitalization?

Mr. SRYGLEY. No, not as far as I can remember.

Mr. FITHIAN. Did you report this to your superiors?

Mr. SRYGLEY. I don't know if I did or not.

Mr. FITHIAN. Would it be the thing that you would normally report? Would you normally report that sort of thing?

Mr. SRYGLEY. No, not just carrying her out to the hospital. The detail was to carry him anyplace he wanted to go and, you know, help on anything he needed to be done. That's just the line of work.

Mr. FITHIAN. Did you have any conversation with any law enforcement agency—the FBI, or the Memphis Police Department, or anyone else—about this hospitalization?

Mr. SRYGLEY. No.

Mr. FITHIAN. Before or after?

Mr. SRYGLEY. No.

Mr. FITHIAN. You were under no instructions then from anyone?

Mr. SRYGLEY. No.

Mr. FITHIAN. Mr. Chairman, I have no other questions.

Chairman STOKES. Any other member of the committee seeking recognition?

Mr. Srygley, at the conclusion of any witness' testimony before our committee, the witness is entitled to 5 minutes to amplify or explain his testimony in any way if he so desires.

I would extend to you 5 minutes for that purpose, if you desire it at this time.

Mr. SRYGLEY. The way you are talking about, you know, the commanding officers and everything, I said I don't remember talking to anybody back there. I could have, but, you know, said something to my captain when he asked, "What did you do today?" said I might have carried her out. I don't know. But as far as any other law enforcement officer specifically asking about doing it, it was just an order thing. You just carry it out, just part of the tour of duty.

Chairman STOKES. Thank you very much.

Mr. Srygley, there being nothing further—Mr. Fithian, are you seeking recognition?

Mr. FITHIAN. I was seeking recognition.

I would like to explore one other question with the witness.

Chairman STOKES. The gentleman is recognized.

Mr. FITHIAN. When you were dismissed from the department, I think your testimony this morning was that the chief said you were fired, and you were fired, and that was it.

Isn't there some procedure that you go through, either an appeals procedure that is open to you, or hearings before the police chief?

Mr. SRYGLEY. We had a hearing before the Civil Service Commission, but they upheld his firing.

Mr. FITHIAN. But what?

Mr. SRYGLEY. They upheld his firing.

Mr. FITHIAN. So he said, "You're fired," and you did have this hearing before the—

Mr. SRYGLEY. Right.

Mr. FITHIAN. And their findings were that the firing was justified based on what?

Mr. SRYGLEY. On the ground that he fired me on.

Mr. FITHIAN. Which was?

Mr. SRYGLEY. Violation of departmental regulations.

Mr. FITHIAN. And the violation was the purchase of the CB?

Mr. SRYGLEY. Right.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. Do you have anything additional, Mr. Srygley?

Mr. SRYGLEY. No.

Chairman STOKES. Thank you very much, sir. You are excused. The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

Upon admission to the emergency room at John Gaston Hospital, Ms. Walden was examined by Dr. Mary Slechta, a staff psychiatrist.

According to a consultant's opinion written by Dr. Slechta, Ms. Walden was brought in by her husband and police, and Ms. Walden was " * * * the wife of witness in (the) Ray murder trial."

Dr. Slechta noted that Ms. Walden had been depressed and worried about the trial, had heard noises during the preceding weeks and had suicidal tendencies. She had also cut her wrists in the

past. Dr. Slechta concluded that Ms. Walden was suffering from psychotic depression and that she was dangerous to herself.

Since she was diagnosed as exhibiting "suicidal tendencies" and presenting a danger to herself, a record of arrest, called for by Memphis police procedures, was filed for Ms. Walden at the hospital.

Apparently, Mr. Chairman, the homicide division deals with more than murder; it also deals with suicide.

Officers James E. Simpson and Michael J. Dougherty of the Memphis Police Department were on duty at John Gaston Hospital on the evening of July 8 and they signed the record of arrest for Grace Walden Stephens. According to this arrest report, Ms. Walden was brought to the hospital by her husband and plainclothes police because, as "a Ray murder trial witness," she had suicidal tendencies.

Mr. Chairman, it would now be appropriate to introduce into the record as MLK exhibits F-321 and F-322, the affidavits of Officers Simpson and Dougherty.

Chairman STOKES. Without objection, they may be entered into the record.

[The information follows:]

MLK EXHIBIT F-321

AFFIDAVIT

I, James E. Simpson, of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on July 8, 1968, I was employed by the Memphis Police Department and on duty at the Emergency Room of John Gaston Hospital.

That I have reviewed the attached record of arrest and know it to be a true and correct copy of the record of arrest for Grace Stephens signed by myself on July 8, 1968.

That although I have ^{no} ~~no~~ independent recollection of Grace Hays Walden Stephens or of her admission to John Gaston on July 8, 1968, I can state unequivocally that I never received instructions from the Memphis Police Department, the Shelby County Attorney General's Office, the FBI or from anyone to have Grace Hays Walden Stephens committed to the John Gaston Hospital Psychiatric Ward or to any psychiatric ward in any hospital.

That it was a matter of standard operating procedure for a record of arrest to be filed with respect to each person who was diagnosed by a staff psychiatrist to be dangerous to himself or others and to be in need of admission for psychiatric treatment.

That to my knowledge, as illustrated by the attached record of arrest, the same standard operating procedure was

followed with respect to Grace Hays Walden Stephens as was followed with respect to all similar cases during my tenure of duty at John Gaston Hospital.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


JAMES E. SIMPSON

Sworn and subscribed to before me on this 3
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:

MY COMMISSION EXPIRES OCT. 6, 1982

MLK EXHIBIT F-322

AFFIDAVIT

I, Michael J. Dougherty of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on July 8, 1968, I was employed by the Memphis Police Department and on duty at the Emergency Room of John Gaston Hospital.

That I have reviewed the attached record of arrest and know it to be a true and correct copy of the record of arrest for Grace Stephens signed by myself on July 8, 1968.

That although I have no independent recollection of Grace Hays Walden Stephens or of her admission to John Gaston on July 8, 1968, I can state unequivocally that I never received instructions from the Memphis Police Department, the Shelby County Attorney General's Office, the Federal Bureau of Investigation or from anyone to have Grace Hays Walden Stephens committed to the John Gaston Hospital Psychiatric Ward or to any psychiatric ward in any hospital. *other than by officers who transported patient to J.G.H. in relation to my assigned duties.*

That it was a matter of standard operating procedure for a record of arrest to be filed with respect to each person who was diagnosed by a staff psychiatrist to be dangerous to himself or others and to be in need of admission for psychiatric treatment.

That to my knowledge, as illustrated by the attached record of arrest, the same standard operating procedure was followed

with respect to Grace Hays Walden Stephens as was followed with respect to all similar cases during my tenure of duty at John Gaston Hospital.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


MICHAEL J. DOUGHERTY

Sworn and subscribed to before me on this 3rd
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:

~~MY~~ COMMISSION EXPIRES SEPTEMBER 22, 1975

Mr. BLAKEY. Although Dougherty had no independent recollection of Grace Walden Stephens, both he and Simpson stated unequivocally that no instructions were given by the Memphis Police Department, Shelby County Attorney General's Office, the FBI or anyone else to have Ms. Walden committed to the John Gaston Hospital Psychiatric Ward. Both officers indicated:

* * * it was a matter of standard operating procedure for a record of arrest to be filed with respect to each person who was diagnosed by a staff physician to be dangerous to himself or others and to be in need of admission for psychiatric treatment.

A record of arrest for Ms. Walden was also filed downtown with the Memphis police homicide division.

At this point it would be appropriate to enter into the record as Martin Luther King exhibit F-323 the affidavit of Memphis Police Department Officer George Willis, who was assigned to the homicide division on July 8.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-323

A F F I D A V I T

I, George Willis, of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on July 8, 1968, I was employed by the Memphis Police Department and assigned to the Homicide Division.

That under standard operating procedures in effect in the Memphis Police Department on July 8, 1968, police officers were assigned to duty at the Emergency Room of John Gaston Hospital on a twenty-four hour basis.

That under standard operating procedures in effect in the Memphis Police Department on July 8, 1968, these police officers completed records of arrests for each and every individual who when examined by a staff psychiatrist was diagnosed as being a present danger to himself or to others and in need of institutional treatment.

That under standard operating procedures in effect in the Memphis Police Department on July 8, 1968, such records of arrest would be forwarded to the Homicide Division of the Memphis Police Department whose duty it was to insure that the individual so diagnosed did no harm to himself or to others by seeing that he was in fact admitted to the John Gaston Hospital Psychiatric Ward or, if no beds were available in the ward, seeing that he was placed in jail until such a bed was available.

That I have examined the attached record of arrest of Grace Stephens and find it to be a true and correct copy of the July 8, 1968 record of arrest which was forwarded to me at the Memphis Police Department Homicide Division by Officers Simpson and Dougherty who were on duty at John Gaston Hospital on that date and which I

signed as "Investigating Officer."

That my sole action as "Investigating Officer" was to place a telephone call to John Gaston Hospital to ascertain if in fact Grace Hays Walden Stephens had been admitted to the Psychiatric Ward.

That to my knowledge this was the full extent of any involvement of the Memphis Police Department Homicide Division in the admission of Grace Hays Walden Stephens to the John Gaston Hospital Psychiatric Ward.

That to my knowledge Grace Hays Walden Stephens was treated no differently than any other individual who was diagnosed as posing a danger to himself or to others and in need of admission to John Gaston Hospital Psychiatric Ward.

That to my knowledge there was absolutely no involvement whatsoever of the Memphis Police Department Homicide Division in the commitment of Grace Hays Walden Stephens to Western State Mental Health Institution in Bolivar, Tennessee.

That to my knowledge there was never any plan or instructions by the Memphis Police Department, the Shelby County Attorney General's Office, the Federal Bureau of Investigation, or anyone to have Grace Hays Walden Stephens committed to any mental institution to prevent her from testifying in the trial of James Earl Ray for the murder of Dr. King or for any purpose.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstructions, or misleading, would

subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.

George Willis
GEORGE WILLIS

Sworn and subscribed to before me on this 3rd
day of November, 1978.

Margaret Thurston
NOTARY PUBLIC

My Commission Expires:

12-13-1980

Mr. BLAKEY. Officer Willis states that under standard police operating procedures in 1968 police officers assigned to John Gaston Hospital would complete "records of arrest for each and every individual who when examined by a staff psychiatrist was diagnosed as being a present danger to himself or others and in need of institutional treatment." He noted that such records of arrest were forwarded to the Homicide Division of the Memphis Police Department "whose duty it was to insure that the individual so diagnosed did no harm to himself or to others, by seeing that he was in fact admitted to the John Gaston Hospital psychiatric ward * * *

Willis examined the arrest record of Grace Walden Stephens and confirmed that it was a true and correct copy. His sole action as the investigating officer of her case was to "place a call to the hospital to ascertain if, in fact, Grace Hays Walden Stephens had been admitted to the psychiatric ward."

Willis added that, to his knowledge, Ms. Walden was treated no differently than any other person diagnosed as posing a danger to herself or others.

Officer Willis states further there was absolutely no involvement of the Memphis Police Department Homicide Division in Ms. Walden's commitment to Western State Hospital. He said he knew of no plot by the police department, the FBI, the Shelby County Attorney General's Office, or anyone else, " * * " to have Grace Walden committed to a mental institution to prevent her from testifying in the trial of James Earl Ray."

Ms. Walden's medical records indicate that she was not allowed to have visitors during the first 2 weeks of her stay at John Gaston Hospital. It is not possible to learn more about the visiting restriction, unfortunately, since the official who ordered it is deceased.

By July 24, however, she was allowed to use the hospital recreation room and, on July 26, she was allowed visitors.

During her stay at John Gaston, Ms. Walden complained that she continued to hear voices. On July 29 she tried to hang herself with strips of bedding. Dr. Slechta was not working that day, so Dr. Nancy Duckworth, a second-year resident psychiatrist, examined Ms. Walden after her attempt.

At this time, Mr. Chairman, it would be appropriate to introduce into the record as Martin Luther King exhibit F-324 the affidavit of Dr. Duckworth.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

MLK EXHIBIT F-324

A F F I D A V I T

I, Nancy Duckworth, of Memphis, Tennessee, being duly sworn, make oath as follows:

This this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on July 29, 1968, I was a second year resident in psychiatry at John Gaston Hospital, Memphis, Tennessee.

That I have examined the attached John Gaston Hospital medical record for Grace Stephens which reflects a July 29, 1968 entry and find it to be a true and accurate copy of the entry made and signed by myself on July 29, 1968.

That I was called to physically examine Grace Hays Walden Stephens following her suicide attempt on July 29, 1968, because her treating psychiatrist, Dr. Mary Slechta, was not working that day.

That this was my sole contact with Grace Hays Walden Stephens.

That I have no knowledge of any plan by the Memphis Police Department, the Shelby County Attorney General's Office, the Federal Bureau of Investigation, or anyone to have Grace Hays Walden Stephens committed to a mental institution to prevent her from testifying in the James Earl Ray murder trial or for any purpose.

To my knowledge, Grace Hays Walden Stephens, was treated no differently than any other patient on the John Gaston Hospital Psychiatric Ward.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations

of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


NANCY DUCKWORTH

Sworn and subscribed to before me on this 2nd
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:

4-25-81

Mr. BLAKEY. Dr. Duckworth says she did examine Ms. Walden following her July 29 suicide attempt and this was her sole contact with Ms. Walden. Dr. Duckworth also states that she has no knowledge of a Government plan to have Ms. Walden committed to prevent her testimony in the trial of James Earl Ray and that Ms. Walden “* * * was treated no differently than any other patient on the John Gaston Hospital psychiatric ward.”

Mark Lane has also alleged that Ms. Walden was given “mind-crippling drugs” after her admission to the John Gaston psychiatric ward and that this treatment led to a deterioration of her condition and her commitment to Western State Mental Hospital in Bolivar, Tenn.

Upon Ms. Walden’s discharge from the John Gaston psychiatric ward, Dr. Slechta noted that she had been admitted for suicidal depression. On admission, she was “* * * crying, wanting to jump out the window and was hearing voices of her nieces—pleasant voices. These symptoms persisted until her discharge, and on one occasion she made a noose out of a strip of blanket and tried to hang herself under her bed.”

Dr. Slechta diagnosed Ms. Walden as suffering from—in the specialized language of psychiatry—“organic brain syndrome, chronic, secondary to alcoholism, not psychotic.” In her progress notes for July 31, Dr. Slechta noted that Ms. Walden was trans-

ferred to Western State Hospital because she continued to be suicidal and not mentally able to care for herself.

Unfortunately, Dr. Slechta could not be questioned by the committee, for she, herself, committed, tragically, suicide in 1973. The committee was unable to find any link between her death and the King murder case.

In 1968 Dr. David Moore was the supervising psychiatrist at John Gaston Hospital. To hear testimony on the treatment, including medication, of Ms. Walden from July 8, 1968, until discharge on July 31, it would be appropriate, Mr. Chairman, to call Dr. Moore.

Chairman STOKES. The committee calls Dr. Moore.

Would you please raise your right hand and be sworn?

Do you solemnly swear the testimony you will give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Dr. MOORE. I do.

Chairman STOKES. Thank you.

You may be seated.

The Chair recognizes staff counsel, Jeremy Akers.

Mr. AKERS. Dr. Moore, would you state your name for the record?

TESTIMONY OF DR. DAVID F. MOORE

Dr. MOORE. My name is Dr. David F. Moore.

Mr. AKERS. Would you pull the mike a little closer to you, please, and speak directly into it?

Dr. Moore, what is your current address?

Dr. MOORE. 5000 Poplar in Memphis, Tenn.

Mr. AKERS. Dr. Moore, are you appearing today pursuant to congressional subpoena?

Dr. MOORE. Yes, I am.

Mr. AKERS. Dr. Moore, I would remind you at this time that you are under oath and that you are to tell the truth, the whole truth, and if you fail to do so that you could subject yourself to possible charges of perjury and obstruction of a congressional investigation.

Dr. MOORE. I understand that.

Mr. AKERS. Dr. Moore, how are you presently employed?

Dr. MOORE. I am in private practice of general psychiatry.

Mr. AKERS. Is that in Memphis, Tenn.?

Dr. MOORE. Yes, 5000 Poplar.

Mr. AKERS. Where did you attend medical school?

Dr. MOORE. University of Tennessee at Memphis.

Mr. AKERS. When did you graduate?

Dr. MOORE. In 1951.

Mr. AKERS. Where did you do your psychiatric residency?

Dr. MOORE. At the University of Tennessee, Gaylor Psychiatric Hospital.

Mr. AKERS. That is located where?

Dr. MOORE. On 42 North Dunlap; it's part of the University of Tennessee.

Mr. AKERS. That is in Memphis; correct?

Dr. MOORE. Yes, in Memphis.

Mr. AKERS. When did you complete that residency?

Dr. MOORE. In 1963.

Mr. AKERS. Now, are you presently board certified in psychiatry?

Dr. MOORE. No, sir, I am not.

Mr. AKERS. Are you board eligible?

Dr. MOORE. Yes, I am board eligible.

Mr. AKERS. What does that mean?

Dr. MOORE. It means that I have completed 3 years of specialty training in psychiatry and have practiced more than 2 years of psychiatry.

Mr. AKERS. And then what would you have to do in order to become board certified?

Dr. MOORE. I would have to take the board examinations.

Mr. AKERS. But you presently possess the qualifications which would permit you to take that examination if you so desired?

Dr. MOORE. To my knowledge I do; yes, sir.

Mr. AKERS. Were you board certified in psychiatry in 1968?

Dr. MOORE. No, I was not.

Mr. AKERS. Were you board eligible at that time?

Dr. MOORE. I was board eligible.

Mr. AKERS. It is true you were the psychiatrist in charge of the John Gaston Psychiatric Unit in July of 1968?

Dr. MOORE. Yes, I was.

Mr. AKERS. So you were in charge of the psychiatric unit when Grace Walden Stephens was admitted on July 8, 1968?

Dr. MOORE. Yes.

Mr. AKERS. Now, the records indicate, do they not, Dr. Moore, that this patient was admitted under the name of Mrs. Grace Stephens?

Dr. MOORE. As I recall, yes.

Mr. AKERS. Prior to this hearing you were provided copies of the John Gaston Hospital medical records pertaining to Grace Walden's treatments; is that correct?

Dr. MOORE. That is correct.

Mr. AKERS. Did you have an opportunity to examine these records?

Dr. MOORE. Yes; I did.

Mr. AKERS. Do the records serve to refresh your memory to any extent?

Dr. MOORE. It helps me recall to a certain extent, yes.

Mr. AKERS. At this time, Mr. Chairman, I would like to have the John Gaston records entered into the record.

The CHAIRMAN. Is it marked with an exhibit number?

Mr. AKERS. That would be MLK exhibit F-325, I believe, and I would like to have a copy of those records provided to the witness, please.

Chairman STOKES. Without objection, they may be entered.

[MLK exhibit F-325 follows:]

MLK EXHIBIT F-325

MEDICAL RECORD		HOSPITALS (28)		EMERGENCY ROOM, TREATMENT RECORD		UNIT # 100 in 14	
DATE	10-10-60	TIME	10:00 AM	HOW BROUGHT TO HOSPITAL			
PATIENT	Mrs. Marie Stephens			AGE	52	SEX	F
ADDRESS	336 Washington			CITY	DC	STATE	DC
IF MINOR, FULL NAME OF PARENT AND ADDRESS				80 Oct 10, 1915		NEAREST PHONE	
NAME OF HUSBAND AND/OR WIFE							
EMPLOYER				OCCUPATION		EMPLOYMENT YES	
						INJURY NO	
MUST BE COMPLETED BY EMERGENCY ROOM CLERK PROVIDING TOTAL BILL IS NOT PAID IN FULL AT TIME SERVICES ARE RENDERED							
EMPLOYER'S ADDRESS NO.		STREET		CITY		STATE	
DEPENDENTS: SELF		WIFE		CHILDREN		OTHERS	
						TOTAL	
						SALARIES	
						W / SK / M	
I HEREBY AFFIRM THE CORRECTNESS OF THE FOREGOING STATEMENTS, AND ASSUME FULL RESPONSIBILITY FOR PAYMENT OF ALL CHARGES IN CONNECTION WITH THE SERVICES RENDERED TO THE ABOVE MENTIONED PATIENT. FURTHER PAYMENT WILL BE MADE ON OR BEFORE _____ 19____							
GUARANTOR OR PATIENT				SIGNED		RECEIVING WARD CLERK	
CHIEF COMPLAINT (AS GIVEN BY PATIENT) <i>Nerves</i>							
T. P. 88 R. 90 R.P. 1290							
PHYSICAL FINDINGS AND TREATMENT: <i>90% of poor appetite and unable to sleep. Fell down steps 3 hrs. ago & injured. Requests Psych.</i>							
<i>Exam. Heart - neg</i>							
<i>Chest - clear</i>							
<i>Head - neck & his (w)</i>							
<i>Abd - mild abd. tenderness over umb.</i>							
<i>Ext - (1) ankle w/nd. small & tender, unable to flex & extend & pain</i>							
DISPOSITION		X-ray Double Psych. Consult admit to psych.				SIGNATURE OF HOUSE OFFICER	
		<i>Bill Densel</i>				TIME	
						DISCHARGE	
						A.M.	
						P.M.	

NAME OF UNIT NUMBER 136 Westinghouse 52 3810		ADMISSION NUMBER 7 7 68		NURSING STATION 62		CITY OR MEMPHIS HOSPITALS JOHN GASTON HOSPITAL REQUEST FOR CONSULTATION UNIT NO.	
Dr. <i>Ernest Stephens</i>		Adm. date <i>7-8-68</i>		Service <i>Psychiatry</i>		Ward <i>ER</i>	
Please see above patient in reference to							
Dr. <i>Omell</i>							
Service <i>ER</i>							
Called <i>11:30 AM</i>							
Consultant's Opinion							
Dr. <i>Omell</i>							
Date <i>7-8-68</i>							
Brought in by police and husband. She is the wife of key witness in Ray murder trial. Ankle is negative on x-ray, intern said treat with ice. CC feet give way when she stands. She also has been depressed and worried about the trial, has had suicidal thoughts - jump out window. In the past she cut her wrists. No previous psych. hosp or treatment. Insomnia, weight loss, hearing voices 1 week. Feet keep her from doing housework. Mother had arthritis of wrists. Psychotic depression - dangerous to self. Admit on AS.							
Dr. <i>Sheekta</i>							
PATIENT'S CHART COPY - 1st Sheet Form #15 City of Memphis Hospital							

NAME AND UNIT NUMBER

ADMISSION NUMBER

RECEIVED STATION

CITY OF MEMPHIS HOSPITALS
JOHN GASTON HOSPITALSTEPHENS, GRACE
336 WASHINGTON APT. 52
52 F H 38107

ROOM ON THE FLOOR

DATE

UNIT NO.

Grace Stephens 7

Leave Blank For Binding

Date	Room		
7-8-68	1m	Admit to psychiatry Regular diet ✓ CBC, UA, Sts, xray ✓ R A test ✓ Seclude prn ✓ Ice packs or ace bandages to ankles prn ✓ ASL 600mg q4h prn any pain ✓ Laxative of choice prn ✓ Clavul 25 mg tid Visitors (with caution, she is violent even witness in Ray trial) <i>Shelton</i> NO VISITORS Thompson	
7-9		Chlor-zinmitan prn 1 tablet <i>Shelton</i>	
7-9		No phone calls Keep in room except for bath rooming Thompson <i>Shelton</i>	
7-10		Please notify Memphis Police, Department of Homicide as to disposition of patient and hold until disposition is made by Police. <i>V.D. Dr. D. More</i> <i>by P. G. H. M.</i> <i>Shelton</i>	
7-11		Get pt. to sign returnary admission slip today <i>Shelton</i>	

(4)

CITY OF MEMPHIS HOSPITALS
860 Madison Avenue
Memphis, Tennessee

REQUEST FOR VOLUNTARY ADMISSION

TO: The Administrator, City of Memphis Hospitals, 860 Madison Avenue

In accordance with the provisions of Chapter 38, Section 37, Public Acts 1965, 84th General Assembly, State of Tennessee, I, Grace Stephens, request admission to the Psychiatric Unit of John Gaston Hospital on a voluntary basis for diagnosis and treatment.

1. Expenses incurred during my hospitalization will be assessed in accordance with the policies and procedures of the City of Memphis Hospitals.
2. I understand that in accordance with the provisions of Chapter 38, Section 5(e), Public Acts 1965, I retain my civil rights as long as I continue in residence at the Psychiatric Unit of John Gaston Hospital on a voluntary basis.
3. I agree to remain in the Hospital and abide by its rules and regulations until the Medical Staff concludes that further hospitalization is unnecessary.
4. I herewith grant permission to the Medical Staff of the John Gaston Hospital to institute in my care any treatment they deem advisable for my condition.
5. I agree to leave the hospital on the request of the Medical Staff if my condition requires different care or treatment than that afforded by the hospital.

Signed: Grace Stephens
(Patient)

Signed: _____
(Responsible Relative)

Date: _____ Time: _____

Approved By: David E. Hsieh /rw
(Administrator)

7/11/68
(Date)

Statement of Admitting Physician

I hereby certify that I am the admitting physician of the above named patient, that I have examined the patient with reference to mental condition, and that it is my opinion that the patient fully understands the nature of admission to the Psychiatric Unit of this hospital and the care and treatment to be rendered.

Signed: Mary Skelton, MD M.D.
(Admitting Physician)

Date: 7-11-68

Time: 8 am

NAME AND UNIT NUMBER		ADMISSION NUMBER	ENTRANCE STATION	CITY OF MEMPHIS HOSPITALS JOHN GASTON HOSPITAL
Thase Stephen				PHYSICIAN'S ORDER
		DATE		UNIT NO.
Date	Room			
7-23-68	21	Hematocrit and Hemoglobin		
		BP today		
		P/I full		
7-23		Colace 100 mg tid		
		J. Summers		
7-24		Release to rec room during the day		
		M. J. J.		
7-26		Common law husband Stephens may visit		
		1 hr tonight if he is sober		
7-24		Visitors		
		J. Summers		
7-29		City doctors		
7-29/30		Elavil 50 mg tid		
		Discontinue Elavil		
7-30		Mellaril 50 mg qid		
		Discharge to WSH		

Leave Blank For Reading

CITY OF MEMPHIS HOSPITALS
 JOHN GASTON HOSPITAL

SUMMARY SHEET
 UNIT NO. 45-814
106057

STEPHENS, GRACE 40-7-8-68
 336 WASHINGTON APT. 5. DIS. 7-31-68
 52 Grace Stephens
 Grace Elizabeth Walden 7
 Staff Dr.: Moore Resident Dr.: Sheets Intern Dr.: page

CODE DISCHARGE DIAGNOSES according to STANDARD NOMENCLATURE
109-83212 organic brain syndrome chronic, secondary
to alcoholism

OPERATIONS, according to STANDARD NOMENCLATURE
WST

NECROPSY ☐

Watta Resident Dr. Moore

Form 25

Schlegel
 WST
 10/30/68

GRACE 536 WASHINGTON APT. 5 52 F W 38107 Grace Stephens 7-8-68	ADMISSION NUMBER NURSING STATION ROOM NO. 622 NUMBER (Nurse's name) DATE	CITY OF MEMPHIS HOSPITALS JOHN GASTON HOSPITAL PROGRESS NOTES UNIT NO.
---	--	---

7-8-68 Adm note

Brought in by ambulance, police and husband.
 CC: ankles given up and swell, suicidal plans.
 Insomnia, weight loss, hearing voices twice.
 Husband is key witness in Ray trial, which impacts her.
 She attempted suicide in the past by cutting her wrists - scars are over a year old.
 She appears worn out, depressed, sad.
 Mother had arthritis in wrists.

Because of severity of symptoms and hallucinations this looks like psychotic depression.

Physical condition also appears poor.

No visitors because of husband's position.

Probably needs further hospitalization, until trial is over. *flcks*

7-9-68 Crying, shaky, looks bad

She has recent and old scalp and face injuries from husband beating her. She has been married 5 times and has no children. Voices she hears are of family, mostly neices. Suicidal thoughts persist. She takes aspirin for headaches.

Review of old chart: Admissions for head, face injuries 1967 only, beat up by husband. *flcks*

7-11 Apparently husband has been trying to visit. She is insomniac in the room by herself. RA test negative. *flcks*
 Doing much better. Signed voluntary adm.

7-23 Passed blood *flcks*

NAME AND UNIT NUMBER

ADMISSION NUMBER

NURSING STATION

CITY OF MEMPHIS HOSPITAL
JOHN GASTON HOSPITAL

PROGRESS NOTES

UNIT NO. 106057

CODE ON BED NUMBER

DATE

7-17-68

Kraus Stephens

VS- T. appt. P. 68 BP

GEN- WDOWNWE intdy in appearance. Seems to
be mentally dull.

HEENT- WNL

NECK- Scars which fit soap dish and carved &
butcher knife. Thyroid to 1.CHEST- lungs clear. Basilar rales & masses.
3 'cigar' scars beneath. ① heart

COR- BP to ①

ABD- Mod RUG, LUG tenderness but no mass
or organomegaly noted. Scars ① groin

NEURO- Grossly, physiologic

D. Hutchison

NAME AND UNIT NUMBER STEPHENS, GRACE 536 WASHINGTON APT. 52 52 F M 38107	ADMISSION NUMBER 1111	RECEIVING STATION CITY OF MEMPHIS HOSPITALS JOHN GASTON HOSPITAL	(9)
ROOM OR BED NUMBER A2		DATE	
PROGRESS NOTES		UNIT NO.	

Grace Stephens - 7

7-17-68 She continues to hear voices and knows they are in her mind. Voices started after an operation - tubal ligation. The scar is pink so it must be recent. She was in Gailor Hospital voluntarily for drinking problem and goes to AA. She feels "down in the dumps". She looks better now than when she came in. This does not seem to be d.t's.

She says she finished $3\frac{1}{2}$ years of college. There are relatives in Ark. who may want to keep her. *llc kta*

7-23 Passed blood. Hb, Ht are not back yet. PH of hemorrhoids, but no bleeding like this. She has been constipated recently, took cascara and mineral oil ^{last night} but it did not help much. She has rectal pain and has had it since ~~she left~~ (History is unreliable. Says she left Beulid Hospital last Monday). She also has pain across the epigastric area. She eats well and has no pain from eating. No vomiting or nausea.

Voices persist. *llc kta*

7/29/68 Tied to hang herself - a strip of bed clothes by something underneath bed. Only skin on appear to be a superficial abrasion of the neck - $1\frac{1}{2}$ - 2" wide. Normal intact vital signs 87 (BP 140/100) responds to voice & verbal & body motion. *Duckworth*

NAME AND UNIT NUMBER

CAREGIVER NUMBER

NURSING STATION

CITY OF MEMPHIS HOSPITALS
JOHN GASTON HOSPITALSTEP-245, GRACE
336 WASHINGTON APT. 52
52 F W 38107

ROOM OR BED NUMBER

DATE

PROGRESS NOTES

UNIT NO.

51-68 Discharge

pt was admitted for suicidal depression. On adm. she was crying, wanting to jump out the window and was hearing voices of her neices- pleasant voices. These symptoms persisted until her discharge and on one occasion she made a noose out of a strip of blanket and tried to hang herself under her bed. She was given Elavil, later Mellaril. Memory poor. Confabulation post. Past history indicates alcoholism, with one hospitalization in Gailor for it, and a long police record for all kinds of crimes.

Stephens is her common law husband. she was secluded because Stephens was under police custody.

Rectal bleeding was probably from hemorrhoids, it was 43 after it.

Diag. ~~is~~ organic brain syndrome, chronic, secondary to alcoholism, not psychotic

Disg. USA because she remains suicidal and is mentally not able to take care of herself.

Electro

NAME AND UNIT NUMBER
 STEPHENS, GRACE
 336 WASHINGTON APT. 52
 52 F V 38107

ADMISSION NUMBER
 38107

NURSING STATION
 1007

WARD
 1007

ROOM OR BED NUMBER
 1007

DATE
 7-9-52

JOHN GASTON HOSPITAL
 NURSES NOTES
 AND
 MEDICATION SHEET

MEDICATION AND DOSAGE	TIME	T	P	R	B. P.	TREATMENT, OBSERVATIONS AND DIET	IN TAKE	OUT PUT
	6am					Slept all night		
	11:00	96	74	26	140/92	urine spec obtained to X Ray.		
Elavil 25 mg q.i.d.	11:30					Quiet & cooperative Seems very content at times. CMO		
1/6/67	11:30							
	2:00					Moved to Gray Area for maximum security. No privileges in Quiet & cooperative		
	10:00					Seems "agitated" quiet, affected by		
7-10-68	6am					Slept well - eating a cracker. Same. Same. Same. is lonesome. Secured 8 hrs. Dr's ordered. for security. Quiet & Co-operative Police officer Cobb here with the husband & tried to force his way in to see pt. refused entrance by nurse. Incident reported to Dr. Moore. Dr. Moore verified that there would be no visitors until further notice.		

NAME AND UNIT NUMBER 00000		FURNISHING NUMBER		FURNISHING STATION		WARD		ROOM OR BED NUMBER		DATE		JOHN GASTON HOSPITAL		NURSES NOTES AND MEDICATION SHEET	
STEPHENS, GRACE						336 WASHINGTON APT. 52						52 F W		38107	
7-11-68						6am						Pt. checked on at 7:30 - 10:15 am intervals and permitted to smoke when time permits. Co-operative & seems to understand that she must be kept secluded; Appetite fair.		D. Campbell	
Eclamil 25mg po qid						8:30						Val Slip signed by Pt. She will be included.		Interviewed by Dr. Sleight - checked @ hr. intervals for B.R. privileges & to smoke - Co-operative day - m. time	
10-2-6-10						10:00						Secluded in her room - checked on frequently by staff & permitted to smoke - gum & cigarettes.		D. Campbell	

CHART COPY

FORM NO. 1078

PATIENT AND UNIT NUMBER		NURSING STATION		WARD		MEDICATION SHEET	
STEPHENS, GRACE		ROOM OR BED NUMBER		DATE			
7-12-68		6am				Asleep most of night. 2 Rapp	
Clonid 25 mg po qid 1/2 - 1/2 - 1/2 - 1/2		7-3 98° 98° 20				Remains secluded eating well and is in the P.R. & smoke of cigarette. Confused. This P.M. 1/2 - 1/2 - 1/2 - 1/2 1/2 - 1/2 - 1/2 - 1/2	
10 am						Appetite seems better. Remains quiet & very cooperative. 1/2 - 1/2 - 1/2 - 1/2	
7-13-68		6am				Slight well 2 Rapp	
Clonid 25 mg po qid 1/2 - 1/2 - 1/2 - 1/2		7-3 98° 98° 20				Remains secluded eating well and is in the P.R. & smoke of cigarette. Confused. This P.M. 1/2 - 1/2 - 1/2 - 1/2 1/2 - 1/2 - 1/2 - 1/2	
5 am						Given a tub bath the female aide Appetite seems to be better. Remains a cooperative 1/2 - 1/2 - 1/2 - 1/2	
10 am							

PATIENT AND UNIT NUMBER				ADMISSION NUMBER		TRANSFERS STATION		JOHN GASTON HOSPITAL (15)	
STEPHENS, GRACE				57		WART		NURSES NOTES	
336 WASHINGTON APT. 52								AND	
52 F W 38107								MEDICATION SHEET	
				ROOM OR BED NUMBER		DATE			
				67		14-6-68			
MEDICATION AND DOSAGE	TIME	T	F	R	B.P.	TREATMENT, OBSERVATIONS AND DIET	IN TAKE	OUT PUT	
	6am					Slept well			
	8 ⁰⁰					Remains in room			
Elaenol 25mg Pagil						eating very well			
<i>10-1-8-10</i>						Quiet, co-operative			
						8 hrs - to B.P. - P.R.N.			
	10 ⁰⁰					Appetite good; pleasant			
						noise and seeing to			
						be confused very			
						P. Campbell			
7-15-68	6am					Slept well			
	7-3					Remains secluded -			
	10am	97	96	22		Appetite good -			
Elaenol 25mg Pagil						Out to smoke, Bathe,			
<i>10-1-8-10</i>						5 B.P.			
						Pleasant thus far -			
						M. Howe			
	3-4					Out of room			
						Out to B.P. &			
						Exercise & H.			
						Pl. most ex.			
						regular diet			
						Preferable			
						B. P. 110/70			
7-16-68	6am					Slept well			
Elaenol 25mg Pagil						eating well. Separ			
<i>10-1-8-10</i>	7-3					in good contact -			
	10am	98	82	18		Quiet & cooperative			
						R. Oliver			

WARD AND UNIT NUMBER STEPHENS, GRACE 336 WASHINGTON APT. 52 52 F 4 38107	ADMISSION NUMBER	NURSING STATION WARD ROOM OR BED NUMBER 7165
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JOHN GASTON HOSPITAL (16)
NURSES NOTES
AND
MEDICATION SHEET

MEDICATION AND DOSAGE	TIME	T	P	R	B.P.	TREATMENT, OBSERVATIONS AND DIET	IN TAKE	OUT PUT
	3-11					has afternoon napping to B.R. returned at dinner quiet & co-operative during p.m.		
7-17-68	6am					Slept well	S.u.m.	
Elaine 95mg po qid	7-3					Eating well. seems in good contact. Kept in room as ordered by Dr. Allowed to make attendance.		
10am 98° 84 20								
	3-11					C. Olson has dinner but still not back to B.R. at most at dinner co-operative		
7-18-68	6am					Slept well	S.u.m.	
10am 97° 82 24								
Elaine 95mg po qid	8pm					Appetite good. Pleasant & co-operative, complains of being constipated. Laxative given		
M.O.M. 7-11 P.O.								
1-30								

(17)

JOHN GASTON HOSPITAL

NURSES NOTES
AND
MEDICATION SHEET

ADMISSION NUMBER: 58107
NURSING STATION: 58107
WARD: 58107
ROOM OR BED NUMBER: 58107

DATE: 7-15-68

MEDICATION AND DOSAGE	TIME	T	P	R	S.P.	TREATMENT, OBSERVATIONS AND DIET	IN TAKE	OUT PUT
	3-11					Seems Co-operative		
						Shower		
						Dinner Served		
						at table		
						reading		
						sign		
7-19-68	6-11					Rest end of night		
Clonidine 0.5 mg po qid	7-3					pleasant - L. Bopp		
7-3	9-11	84	24	130		Remains secluded		
						eating well only		
						Co-operative		
						PRN D. B. P. q. h. opp.		
						at table		
	3-11					Secluded @ S ordered		
						by Dr - St. eating		
						well - out to B.P.		
						& smoke @ intervals		
						Co-operative P.M.		
						m. have		
7-20-68	6-11					Rest night		
Clonidine 0.5 mg po qid	7-3					Secluded, eating -		
7-3	9-11					well out for B.P. PRN		
						Co-operative & quiet		
						at table		
	3-11					Usual co-operative		
						& secluded 3 hrs		
						m. have		

NAME AND UNIT NUMBER
00000
STEPHENS, GRACE
336 WASHINGTON APT. 52
52 F W 38107

ADMISSION NUMBER
00
INMATE STATION
440
WARD
CORRIDOR
ROOM OR DESK NUMBER
7-23-68
DATE

JOHN GASTON HOSPITAL
NURSES NOTES
AND
MEDICATION SHEET

MEDICATION AND DOSAGE	TIME	T	P	R	B.P.	TREATMENT, OBSERVATIONS AND DIET	IN TAKE	OUT PUT
						Shower Given		
	3.0					Trimmed hair the all of dinner requesting Piggyback E. S. M.		
7-24-68	6am 7am					Slept well S. M. In Room - Pleasant & co-operative - out to B.R. & Smoke @ intervals - Pt. allowed to visit in day room during day - Seems happy to be out of seclusion - M. Haver		
Eliavil 25mg Po qid pc 10-2-6-10-2-8 Colace 100mg qd 10am	98 12 PM	98	12	16				
	2.0					Visit on M.		
	2.0					Unit until HS		
						Inoperatives P. P. M.		
7-25-68	7.3					Out on the unit today - Pleasant & co-operative		
Eliavil 25mg Po qid pc 10-2-6-10-2-8	3.0					Unit for dinner & until HS		
Colace 100mg qd 10am						Very quiet & cooperative E. S. M.		

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AND UNIT NUMBER STEPHENS, GRACE 336 WASHINGTON APT. 52 52 F U 38107		NURSING STATION 00 VARD ROOM OR BED NUMBER 728		JOHN GASTON HOSPITAL NURSES NOTES AND MEDICATION SHEET				
MEDICATION AND DOSAGE	TIME	T	P	R	B.P.	TREATMENT, OBSERVATIONS AND DIET	IN TARE	OUT PUT
	6 am					Head disturbance in pt on during night speech heard pt had thrown personal books against wall & threw on floor. When questioned said "I'm just mad. Can't find the right book" out of cigarettes said her husband was the best & another woman to bring her cigarettes & 5 m in		
Calmar 25 mg po qid 10-2-6-10-1								
Colace 100 mg po qid 100 m								
	7-3					Seems depressed tense at times, complaining because she is out of cigarettes J. Campbell 1/10/51		
	8-11					Depressed B.M. Some vom called said they would bring her books to visit them did not eat then visit left out pt J. Campbell		

(22)

4-1111 1 16645

NAME AND UNIT NUMBER

STEPHENS, GRACE
336 WASHINGTON APT. 52
52 F U 38107

PHYSICIAN NUMBER

NURSING STATION

WARD

ROOM OR BED NUMBER

20 C-STATE

JOHN GASTON HOSPITAL

NURSES NOTES

AND

MEDICATION SHEET

MEDICATION AND DOSAGE	TIME	T	P	R	B.P.	TREATMENT, OBSERVATIONS AND DIET	IN TIME	OUT TIME
	6am					Slept well		
	9am				140	Out on Unit -		
	10am	97	86	20		Appetite fair		
						Taunted @ times		
Elaine 2mg pagil						Appears depressed		
10:45 am						Reading @ intervals		
Colace 1mg pagil						may have visitors		
10 am								
	3:11					He a good support		
						A pleasant evening on unit		
7-30-68	4:30	96	72	140/100		Found pt under her bed		
						on floor. She had torn a		
						muscle, has blacked tail		
Elaine 50mg pagil						it could lead to		
						under spring putting her		
						head into open bed		
①-②-④-⑥ D.C						was clutching spine +		
m. 4.						pulling a gas. It led back		
Colace 1mg pagil						at up a few neck. This		
2:42 am						caused additional area on		
						front, neck		
						pt placed on bed		
						She responded when spoken		
						to at once.		
						Dr. Duckworth O.D. notified.		
						She examined pt.		
						Made note on progress report		
						& signed accident report.		
						pt had been out of room.		
						Serv. 0 to		

(23)

NAME AND UNIT NUMBER P. 000 STEPHENS, GRACE 336 WASHINGTON APT. 52 52 F H 38107						NURSING STATION 00 000 WARD 000000 ROOM OR DESK NUMBER 000000 OFF. CLERK		JOHN GASTON HOSPITAL NURSES NOTES AND MEDICATION SHEET	
MEDICATION AND DOSAGE	TIME	T	P	R	B.P.	TREATMENT, OBSERVATIONS AND DIET	IN TAKE	OUT PUT	
						Bright Ceiling light was on when incident occurred -			
	6:30					Very agitated, hallucinating says Charles & a woman are in the air vent in ceiling & he is trying to shoot them. S.M.			
	7:30					Out on Unit Med. changed - Says she plans to change her name. "It's better all way around"			
Molland 50mg P.O. QID 10 - 10 - 10	10:00 AM		95	102	20	Dr Moore here L.H. signed. O'Brien			
	3-11					App. to fix put tear kit at times next to bed at 9:30 p.m. checked after article that she might hurt herself with. J. C. Phil			
7-21-68	6am					Slept better. Observed often during night. S.M.			
Molland 50mg P.O. QID 10 - 10 - 10						Awoke & in Day Room - Quiet Dressed & awaiting transp. to Court. TO Court & officers			

(25)

9

ST. PETER'S HOSPITAL
1300 WASHINGTON AVE
WASHINGTON, D.C. 20007

18645 17 15

DEPT. OF RADIOLOGY
CITY OF MESSING HOSPITALS
SILVER SPRING, MARYLAND
1300 WASHINGTON AVE
WASHINGTON, D.C. 20007

APR 1968

REQUESTED BY: *Dr. Holt* REQUEST DATE: *4-1-68* TYPE OF X-RAY REQUESTED: *Routine Chest*

CLINICAL DATA AND PROVISIONAL DIAGNOSIS

RADIOLOGICAL REPORT

PRECAUTIONS TO BE OBSERVED

CHEST: The heart is of normal size and contour. The lungs are clear. There is some increase in the AP diameter of the chest. No bone or soft tissue abnormalities are noted.

IMPRESSION: Negative chest.

7-10-68 sec Dr. Holton *JH*

X-RAY REQUEST/CHART COPY

ROENTGENOLOGICAL REPORTS

Mr. AKERS. Dr. Moore, do you presently have before you those medical records of Ms. Stephens relating to her stay at John Gaston from July 8 to July 31, 1968?

Dr. MOORE. Yes; I do.

Mr. AKERS. OK.

Now, Dr. Moore, you have previously had an opportunity to examine the records.

Do they indicate that Ms. Stephens was initially treated and X-rayed in the John Gaston emergency room for an injured ankle when brought in on July 8?

Dr. MOORE. That is correct.

Mr. AKERS. And do the records also indicate that Ms. Stephens at that time complained of her nerves and requested to see a psychiatrist?

Dr. MOORE. That is in the record, yes.

Mr. AKERS. Did she see a psychiatrist at that time?

Dr. MOORE. Yes; a psychiatric consultant was requested and Dr. Mary Slechta, who was on duty in the psychiatric unit at that time assigned to the unit, examined her in the emergency room.

Mr. AKERS. Where is Dr. Slechta today?

Dr. MOORE. She is deceased.

Mr. AKERS. Were you Dr. Slechta's supervisor?

Dr. MOORE. Yes; I was.

Mr. AKERS. And as such were you knowledgeable about her level of professional skill?

Dr. MOORE. Yes.

Mr. AKERS. How would you evaluate that level of skill?

Dr. MOORE. Dr. Slechta was competent in the practice of psychiatry.

Mr. AKERS. What was Dr. Slechta's diagnosis of Ms. Stephens when she was admitted on July 8?

Dr. MOORE. On her initial evaluation in the emergency room she diagnosed the patient as psychotic depressive reaction, suicidal risk.

Mr. AKERS. Which meant she was possibly dangerous to herself?

Dr. MOORE. She had suicidal plans and was a danger to herself.

Mr. AKERS. Now, could you explain simply what that means in layman's terms, please?

Dr. MOORE. A psychotic depressive reaction is a depression which leaves the patient or the person out of contact with reality, and really they are not responsible for what they might do. They usually have secondary symptoms such as hallucinations, which Ms. Stephens did.

Mr. AKERS. All right, Doctor. Could you speak up just a little bit when you are speaking. It's a little difficult to understand your responses.

Now, are there other symptoms which are explanative of that diagnosis?

Dr. MOORE. The patient usually has trouble sleeping, she has insomnia or they have insomnia. They have a loss of appetite. They have a lack of initiative. They have the blues. They just feel bad.

Mr. AKERS. According to the records, Dr. Moore, what were the findings that formed the basis of that diagnosis?

Dr. MOORE. If I can find Dr. Slechta's—

Mr. AKERS. I believe in your records they have been numbered for convenience up in the upper righthand corner.

Dr. MOORE. I have it.

Mr. AKERS. OK.

Dr. MOORE. The patient had—

Mr. AKERS. What page are you referring to?

Dr. MOORE. Two is what I am looking at now.

Mr. AKERS. Which is what; the consultant's opinion?

Dr. MOORE. This is the consultant's opinion.

Mr. AKERS. Authored by Dr. Slechta?

Dr. MOORE. That is correct.

Mr. AKERS. OK.

Dr. MOORE. And she states that—do you want me to read the whole thing?

Mr. AKERS. Sure. Those are her findings, right?

Dr. MOORE. Right. According to Dr. Slechta, it states she was "brought in by police and husband. She is the wife of key witness in Ray murder trial; ankle is negative on X-rays. Intern said to treat with ice." Chief complaint, CC, usually stands for chief complaint; anyway, it says:

"The feet give way when she stands," and Dr. Slechta adds, "She also has been depressed and worried about the trial, has had suicidal thoughts," such as jumping out of the window.

"In the past she cut her wrists." At this time she states, "There is no previous psychiatric hospitalization or treatment. She has insomnia." Difficulty in sleeping is what that means. "She has been hearing voices for 1 week. Feet keep her from doing housework."

Reviewing history in the case indicates that her mother had arthritis of the wrist. Dr. Slechta's opinion was it was a psychotic depression, that she was dangerous to herself, and advised admission on the psychiatric unit.

I might add that the psychotic depression is a diagnosis which is given to a depression when there is an extrinsic or outside stress like death in the family or stress of any kind.

Mr. AKERS. All right, Dr. Moore.

Based upon these findings, do you agree with Dr. Slechta?

Dr. MOORE. At that time I would, yes.

Mr. AKERS. And was it normal procedure down at Gaston—well, strike that question.

Dr. Moore, based upon this diagnosis, was Ms. Stephens admitted to the psychiatric unit at John Gaston?

Dr. MOORE. Yes, sir; she was.

Mr. AKERS. Let me ask you this, Dr. Moore, was it a normal procedure at John Gaston for patients who were treated at the emergency room for an ankle injury to suddenly be admitted to the psychiatric unit?

Dr. MOORE. They would not be suddenly admitted, but the doctor in the emergency room examining the patient would recognize symptoms as obvious as this, and it would be only logical that she would request, or even the husband might have requested, but the doctor who first evaluated her for ankles would have picked up these obvious symptoms of depression and suicidal risk and would have requested a psychiatric consultation.

Mr. AKERS. I see.

Dr. Moore, is it true that the emergency room record indicates that, in fact, Grace Walden Stephens' chief complaint was her nerves?

Dr. MOORE. Yes; it does.

Mr. AKERS. Dr. Moore, was not this original diagnosis of Ms. Stephens later altered by Dr. Slechta?

Dr. MOORE. Yes; it was.

Mr. AKERS. Do you recall when that change in diagnosis occurred?

Dr. MOORE. I do not recall the exact date, but with further history, psychotherapy, interviews with the patient, it was our clinical opinion that the patient had an organic brain syndrome rather than a psychotic depressive reaction.

Mr. AKERS. OK.

Again, if you can speak a little more clearly, I am having some problems understanding your answers, what was the later diagnosis?

Dr. MOORE. The later diagnosis was an organic brain syndrome, chronic, secondary to alcoholism, from the history we had.

Mr. AKERS. All right.

Doesn't that later diagnosis also say that the patient is not psychotic?

Dr. MOORE. Yes, sir; it does.

Mr. AKERS. So, would that indicate that the original diagnosis was in error?

Dr. MOORE. Not necessarily. At the time of the initial interview, when you have a person who is hearing voices and is out of contact with reality they can be psychotic, and with organic brain syndrome he can either be nonpsychotic or psychotic, and it is the degree of it.

Whether it is psychotic or nonpsychotic depends on the past intrinsic personality traits of the individual, and the present environmental stresses.

Mr. AKERS. All right.

Dr. Moore, could you explain to me again in layman's terms just exactly what organic brain syndrome, chronic secondary to alcoholism is?

Dr. MOORE. An organic brain syndrome is due to diffused brain damage from many causes. In her case it was felt to be secondary to alcoholism. This results in an impairment of intellectual ability, an impairment of judgment, an impairment of orientation, an impairment of memory, and it's usually associated with a shallow or a changing affect, labile effect.

Mr. AKERS. What is labile effect?

Dr. MOORE. Affect is what we use to describe emotional tone of facial expressions, like someone could laugh superficially at something that was not funny or cry when there was no purpose in it or it was just not a distinct affect. It was not congruent with the particular stress.

Mr. AKERS. I see. Excuse me, do you have something else?

Dr. MOORE. I am sorry.

Mr. AKERS. With this additional, second diagnosis, was Ms. Stephens still considered suicidal?

Dr. MOORE. Yes.

Mr. AKERS. Now, could you tell me again why the diagnosis was changed?

Dr. MOORE. Because of additional history, because with the chemotherapy and the protective environment in which she was kept, she did improve, although her ability and judgment and intellect and memory and orientation did not change.

Mr. AKERS. Dr. Moore, what was the medication administered to Ms. Stephens while she was at the John Gaston Psychiatric Unit?

Dr. MOORE. Initially she was given Elavil, which is a drug for depression.

Mr. AKERS. How much Elavil was she given?

Dr. MOORE. She was given 25 milligrams four times a day.

Mr. AKERS. You say this was an antidepressant?

Dr. MOORE. Against depression. They are called antidepressants.

Mr. AKERS. Is it true that the records indicate that Ms. Stephens was also given something called Colace?

Dr. MOORE. Yes; she was given Colace, which is a stool softener for constipation.

Mr. AKERS. So that had nothing to do with the psychiatric treatment?

Dr. MOORE. No; it did not.

Mr. AKERS. Were these medications consistent with her initial diagnosis of psychotic depression?

Dr. MOORE. Yes, sir.

Mr. AKERS. Was it consistent with the standard medical practice at the time?

Dr. MOORE. Yes, it would be. It still is.

Mr. AKERS. Was it consistent with her later diagnosis of an organic brain syndrome?

Dr. MOORE. It would have been beneficial from the standpoint of the depression that she had associated with her organic brain syndrome, but there would be other drugs which would probably do her, would help control her better.

Mr. AKERS. Well, could—

Dr. MOORE. Overall.

Mr. AKERS. Could the Elavil in any way have been harmful to her due to the fact that, in fact, later on she was diagnosed differently?

Dr. MOORE. No, sir.

Mr. AKERS. Now, is it true that the records indicate that Ms. Walden Stephens' medication was later changed to Mellaril shortly before the discharge?

Dr. MOORE. That is correct.

Mr. AKERS. Do you recall how much Mellaril she was given at that time?

Dr. MOORE. I believe it was 50 milligrams four times a day. That is correct.

Mr. AKERS. What was the purpose of Mellaril, Doctor?

Dr. MOORE. The Mellaril is one of our major tranquilizers. It is good for anxiety, depression, agitation and psychosis. That is, the symptoms that go with psychosis.

Mr. AKERS. Dr. Moore, was Grace Walden Stephens at any time while at John Gaston administered any drugs which were harmful or which might in any way be termed as "mind crippling"?

Dr. MOORE. No, sir.

Mr. AKERS. Could Elavil be properly termed as "mind-crippling"?

Dr. MOORE. Not to my knowledge.

Mr. AKERS. Could Mellaril be termed as "mind-crippling"?

Dr. MOORE. Not in—there are side effects to all of these drugs, but in the dosages that she was given it would have been an unusual side effect if it would have caused any damage.

Mr. AKERS. In other words, she was receiving moderate dosages consistent with her diagnosis?

Dr. MOORE. That is correct.

Mr. AKERS. Well, I assume Colace would not be termed as "mind crippling".

Dr. MOORE. No, sir.

Mr. AKERS. Dr. Moore, do you feel that the care, medication, and treatment of Grace Walden Stephens at John Gaston was within acceptable standards of psychiatric medical practice then prevailing?

Dr. MOORE. Yes; I do.

Mr. AKERS. All right, Dr. Moore.

I wonder at this time if you would turn to page 3 of the medical records which you presently have before you. It is entitled "Physicians Orders" and contains a series of orders relating to Ms. Stephens from July 8, 1968, when she was first admitted to July 11.

Do you have that page before you?

Dr. MOORE. Yes, I do.

Mr. AKERS. Now, on the 10th and 11th lines the words, "Visitors," then in parenthesis, "with caution, she is the wife of witness in Ray trial", is crossed out. And on the following line there is an order, "No visitors."

Five lines further down is the entry, "No phone calls; keep in room except for bathroom."

Dr. Moore, why was it necessary for such orders? Why was it necessary to keep Grace Walden Stephens in seclusion in this manner?

Dr. MOORE. It was necessary for her own protection so she could be more closely observed, and it was a general rule of the psychiatric unit to allow no privileges or visitors for the first 3 days of admission, and after that it would have been dependent on the condition of the patient.

Mr. AKERS. Well, following those first 3 days were these orders removed from the record and was Ms. Stephens allowed out of seclusion?

Dr. MOORE. No, sir. She was kept in seclusion for her own protection.

Mr. AKERS. What do you mean "for her own protection"?

Dr. MOORE. So she would not be able to get hold of something and harm herself or go to a window, which she had threatened to do, and jump out.

Mr. AKERS. Was it common to keep patients who had the same diagnosis as she in seclusion for the entire time they were in John Gaston?

Dr. MOORE. As long as there was a risk of suicide and as long as it was necessary for the patient's protection.

Mr. AKERS. Is it also true that in the nurse's notes it is indicated that you had at one point ordered that she not be allowed any further visitors at a point after her common law husband, Charles Stephens, had attempted to force his way into the room?

It is on page 12.

Dr. MOORE. I believe there is a telephone order to that effect, yes, sir. The patient had no privileges ordered at the time and, according to the nurse's notes, Police Officer Cupp was there with the patient's husband who tried to force his way in to see the patient, was refused entrance by the nurse, and the incident was reported to Dr. Moore, and Dr. Moore verified that there would be no visitors until further notice.

Mr. AKERS. OK.

Would you turn back to page 3, Dr. Moore?

Dr. MOORE. All right.

Mr. AKERS. On that same page, two lines further down, there is a July 10 entry. Now, this entry reads as follows:

"Please notify Memphis Police Department of Homicide as of disposition of patient and hold until disposition is made by police."

Below there are the letters, "V.O., Dr. D. Moore by R. Campbell." I guess that's L.P.N. or something to that effect.

What does "V.O., Dr. Moore", mean?

Dr. MOORE. V.O. stands for verbal order.

Mr. AKERS. So does that mean that that entry was placed in the records by nurse Campbell at your order, Dr. Moore?

Dr. MOORE. I do not recall giving this order.

Mr. AKERS. Would such orders be entered into a patient's medical records if a nurse were instructed to do so, in other words, would this reflect a common practice at John Gaston at that time?

Dr. MOORE. Well, yes, I would say that the L.P.N.'s would enter a verbal order. However, I cannot be sure that the verbal order is written exactly as given over the telephone.

Mr. AKERS. I see. Then it is likely that you did make such an order, but you are saying that you have no recollection of it and that there could be errors in the order as it was written?

Dr. MOORE. I have no recollection of it, and I certainly would not have worded it the way it is worded. Unless there is a possibility that this had to do with the arrest slip.

Mr. AKERS. What do you mean unless it had the possibility of having something to do with the arrest slip?

Dr. MOORE. Well, patients admitted on arrest slips we can hold for 3 days, and this was the end of the third day.

As I understand it, it is against the law to attempt suicide in the State of Tennessee and the patient was on an arrest ticket. I can only suppose that I asked that the police department be notified not of disposition of patient but of the condition of the patient.

Mr. AKERS. Well, why would the police department be interested in the condition of the patient?

Dr. MOORE. Well, the only reason I would know would be because she was on an arrest slip, and at the time we had no further papers to hold her.

Mr. AKERS. Well, was it normal for such entries to be made in the medical records of patients who had been admitted to John Gaston pursuant to an arrest slip, based on the fact that they had been diagnosed as having suicidal tendencies and posing a danger to themselves?

Dr. MOORE. Our primary interest would be in taking care of the patient, and legally we would need some other form to hold the patient in the unit although, if I read this correctly, Dr. Slechta countersigned this verbal order and did get the patient to sign a voluntary admission on the next day.

Mr. AKERS. Well, am I understanding you to say, though, that this is not the type of order that you would give in the normal every day practice of psychiatry?

Dr. MOORE. No, it is not, and I do not recall giving the order.

Mr. AKERS. Dr. Moore, did anyone from homicide in the Memphis Police Department ever contact you and instruct you or request that you hold Grace Walden Stephens in the psychiatric unit until you were instructed otherwise?

Dr. MOORE. No, sir.

Mr. AKERS. Did anybody from the Shelby County attorney general's office, from the FBI, or from anyplace else ever contact you and order you not to make any disposition of Grace Walden Stephens until you had cleared it with the homicide department?

Dr. MOORE. No, sir.

Mr. AKERS. Again, this was not normal procedure for a patient diagnosed as having a suicidal tendency?

Dr. MOORE. What are you referring to now?

Mr. AKERS. The entry in the John Gaston records ordering that no disposition be made of Grace Walden Stephens until homicide had been notified.

Dr. MOORE. No; I could not say it would be a normal order.

Mr. AKERS. OK, Dr. Moore.

Dr. MOORE. I just have no recall of it, I do not recall giving the order, period.

Mr. AKERS. Dr. Moore, could you go on down to the bottom two lines of the page to the July 11 entry, "Get patient to sign voluntary admission slip today", which was made by Dr. Mary Slechta, to which you have just referred.

Why was such an order necessary?

Dr. MOORE. Because the 72-hour period was up under which we were legally authorized to hold a patient on the unit. You see, the patient was admitted on an emergency basis from the emergency room because she was a danger, considered a danger to herself, and had suicidal tendencies. At that time this was done with an arrest slip which gave us the authority to hold a patient for 72 hours.

During this time, in the majority of cases, a relative could be found that would make the petition or application for petition for the so-called lunacy warrant.

Mr. AKERS. Did Ms. Stephens sign a voluntary admission slip?

Dr. MOORE. Her signature is on the voluntary admission slip, yes, sir.

Mr. AKERS. Was Ms. Stephens in any way coerced into signing that admission slip?

Dr. MOORE. No, she would not have been coerced into signing an admission slip. Now, perhaps I can explain that in an organic brain syndrome, depending on the stress of the particular situation, the patient's mental ability can be either mild, moderate, or severe.

They can go from a psychotic situation to a nonpsychotic situation, but at the same time they will still be incompetent. But according to Dr. Slechta the patient was improved on this date and did understand what she was signing and the agreements to the voluntary admission.

Mr. AKERS. Was this the normal practice with patients who had been admitted to the unit through emergency procedures such as Grace Walden Stephens?

Dr. MOORE. It was the only procedure we had at the time to continue to give the patient the medical treatment she needed. The normal procedure would have been to have a relative make application at the courthouse for the petition. But we could not locate any relatives.

Mr. AKERS. So what would have been your only alternative or what would have been your alternatives had she refused to sign the admission slip?

Dr. MOORE. Probably we would have had to have asked the hospital administrator to act in the interest of the patient and go ahead and fill out a request or an application for petition at that time.

Mr. AKERS. Well, an application for a petition for what, Dr. Moore?

Dr. MOORE. For commitment, for further hospitalization and treatment, usually by commitment.

Mr. AKERS. Are you saying a petition would have had to have been filed with the local court in order to get a court order?

Dr. MOORE. Yes, sir.

Mr. AKERS. Admitting her for further treatment?

Dr. MOORE. Yes, that would have been our other alternative.

Mr. AKERS. If she had not signed the voluntary admission slip.

Dr. MOORE. If she had not signed the request for voluntary admission.

Mr. AKERS. And approximately 3 weeks later that is exactly what you did do; is that correct?

Dr. MOORE. That is correct.

Mr. AKERS. Dr. Moore, did Grace Walden Stephens ever object to either her hospitalization at the John Gaston psychiatric unit or to the treatment she was receiving there?

Dr. MOORE. Not to my knowledge.

Mr. AKERS. Does the record so indicate?

Dr. MOORE. That she objected to the treatment? No.

Mr. AKERS. Dr. Moore, did you ever personally treat Ms. Stephens?

Dr. MOORE. Yes, I made rounds several times a week and we had conferences where we discussed all the patients on the unit, so I would have seen her personally on several occasions.

Mr. AKERS. Did you ever personally examine her and make a diagnosis pursuant to that examination?

Dr. MOORE. At the end of her hospitalization I gave her a complete psychiatric evaluation.

Mr. AKERS. Do you recall what date that was?

Dr. MOORE. I would have to look. It was just before she went to court.

Mr. AKERS. Would that have been July 30, the day prior to her commitment?

Dr. MOORE. Probably. That is right. It would have been July 30.

Mr. AKERS. All right.

Dr. Moore, why was it decided to have Grace Walden Stephens committed to another institution for further hospitalization?

Dr. MOORE. Because the patient needed continued hospitalization. She still was hearing voices, she still had suicidal plans. Although she temporarily improved during the first and second week, toward the end of the third week she began to get depressed again and then, as I have read the notes, this is associated with her jealousy and suspicions of her husband running around with another woman, which upset her, and she became more depressed.

At one time she threw books all over her room because she could not find the book she wanted to read. At this time she was hearing voices from vents and, I think the shower, I think when she would take a shower, as I recall, she would hear voices.

She was very suspicious of her husband running around on her. Following this she attempted to hang herself by taking a strip, she tore a strip of blanket, as I recall, off her bed and tied it around her neck and tied it to the bed and was discovered, and the only result was an abrasion on the neck.

Mr. AKERS. Did you examine her following that suicide attempt?

Dr. MOORE. It's not on the record. I am sure I did within the next day or so. Dr. Duckworth was the psychiatric resident on call or on duty at the time, and she examined the patient.

Mr. AKERS. Well, the records indicate, do they not, that the suicide attempt was made on July 29, 1968, only a couple of days prior to her discharge and commitment to Western State; is that right?

Dr. MOORE. That is correct.

Mr. AKERS. Would that have had anything to do with the decision to commit her for further treatment?

Dr. MOORE. Yes, it would have, plus the fact that our psychiatric unit is set up for emergency admissions. We only had so many beds and we had other people who were equally sick whom we had to evaluate and see if we could get under quick control or whether they needed to be committed.

Mr. AKERS. Doctor, is it true that the records indicate that the patient was discharged from John Gaston under the name of both Grace Stephens and Grace Elizabeth Walden?

Dr. MOORE. I believe that is correct, yes. Do you have the page number on that?

Mr. AKERS. Well, it is indicated on the discharge sheet, which is page 6 of the records that you have.

Dr. MOORE. That is correct. The hospital stamp on the page still shows her as Grace Stephens and her name is written in Grace Stephens, and then underneath that is written Grace Elizabeth Walden, which is her legal name.

I don't know who wrote that in.

Mr. AKERS. All right.

Mr. Chairman, I would like to introduce into the record now a copy of the Judicial Commitment Proceedings under which Grace Walden was committed to Western State. That would be MLK exhibit F-326.

Chairman STOKES. Without objection, it may be entered into the record.

[MLK exhibit F-326 follows:]

MLK EXHIBIT F-326

DMH-276

COMMITMENT PROCEEDINGS
 TENNESSEE STATE PSYCHIATRIC HOSPITALS
 DEPARTMENT OF MENTAL HEALTH

(1)

The parent, guardian, spouse, or a responsible adult relative, or any licensed physician, health or public welfare officer, or the head of any institution in which the individual may be, or any officer authorized to make arrests in Tennessee, may file a petition with the Judge or Chairman of the County Court of the county in which an individual resides or may be found, in writing, substantially as follows:

aka Grace E. Stephen

The undersigned hereby states that: Grace E. Walden, 336 Washington Apt 3

is mentally ill, not mentally retarded; that: Grace E. Walden

*(is an indigent person) ~~has the ability to pay or a responsible relative has the ability to pay~~ and that she is a citizen of the United States and has been a resident of the State of Tennessee for twelve (12) months or more and has been a resident of said county for sixty (60) days or more.

Sworn to and subscribed before me,

This 29 day of July, 19 68

V. G. Decker
 Probate Court Clerk

*Strike out inapplicable alternative.

(2)

STATE OF TENNESSEE, Shelby COUNTY

To anyone lawfully authorized to serve:

Information having been furnished me on oath that Grace E. Walden

is mentally ill, you are hereby authorized and commanded, in accordance with the law, to take h. or and cause h. or

to be brought before the County Judge or Chairman of said county at Memphis

at 11:30 o'clock A.M., on the 31 day of July, 19 68

she there to be given a hearing to determine whether is mentally ill, and otherwise dealt with, in accordance with Chapter 38, Public Acts 1965.

Given under my hand and seal,

This 29 day of July, 19 68

V. G. Decker
 Probate Court Clerk

(3)

STATE OF TENNESSEE, Shelby COUNTY

Came to hand on the 31 day of July, 19 68, and executed by reading the process to Grace E. Walden, aka Grace E. Stephen

her to Probate County Judge or

Chairman of said County at Memphis, Tenn.

This 31 day of July, 19 68

E. L. Loomis, Jr., P. S.

of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 31 1968

Samuel S. Penner
 PROBATE JUDGE

(4)

STATE OF TENNESSEE, Shelby COUNTY

I, D. T. Moore, M.D., a licensed physician of the County of Shelby
Grace E. Walden
 State of Tennessee, hereby certify that I have this day personally examined
 alleged to be mentally ill, and I find that she is in such condition of mind or body as to be a proper subject for treatment and care in a psychiatric hospital; that she is about 52 years of age; is subject to no contagious diseases; that according to the history of the case, the mental disorder is of years duration; that she is not a mentally retarded person and that the medical treatment has been hospitalization for over 3 weeks
 (Here set out the medical treatment and all circumstances known to the physician to illustrate the same.)
 Sworn to and subscribed before me,
 This 30 day of July, 19 68
Jack O. Perry M. D.
Deputy Probate Court Clerk

(5)

STATE OF TENNESSEE, Shelby COUNTY

I, John D. Vink, a licensed physician of the County of Shelby
Grace E. Walden
 State of Tennessee, hereby certify that I have this day personally examined
 alleged to be mentally ill, and I find that she is in such condition of mind or body as to be a proper subject for treatment and care in a psychiatric hospital; that she is about 52 years of age; is subject to no contagious diseases; that according to the history of the case, the mental disorder is of years duration; that she is not a mentally retarded person and that the medical treatment has been Chronic Brain Syndrome - Hallucinations, delusions, incontinence, etc.
 (Here set out the medical treatment and all circumstances known to the physician to illustrate the same.)
 Sworn to and subscribed before me,
 This 31st day of July, 19 68
Jack O. Perry M. D.
Deputy Probate Court Clerk

(6)

STATE OF TENNESSEE, COUNTY

Here insert other evidence or remarks:

Mr. AKERS. Would a copy of this exhibit please be given to the witness?

Dr. MOORE. Thank you.

Mr. AKERS. Dr. Moore, do you have a copy of the Judicial Commitment Proceedings before you?

Dr. MOORE. Yes; I do.

Mr. AKERS. Is that your signature on page 2 at the end of section 4 attesting to the fact you had examined Grace Walden Stephens on July 30 and found her to be mentally ill and in need of treatment in a psychiatric hospital?

Dr. MOORE. That is correct.

Mr. AKERS. Is that a correct and accurate copy of the certification you executed on July 30, 1968?

Dr. MOORE. That is correct.

Mr. AKERS. Was it a true and accurate statement about Grace Walden Stephens at that time?

Dr. MOORE. Yes, it is.

Mr. AKERS. Did you testify in the commitment proceedings?

Dr. MOORE. No, I did not.

Mr. AKERS. Why not?

Dr. MOORE. Only one physician is required to be——

Mr. AKERS. Do you know who that physician was?

Dr. MOORE. I was not there. But I am sure it was Dr. Vick.

Mr. AKERS. Well, it is so indicated on the proceedings there, is it not? Section 5 right below section 4, isn't it indicated Dr. Vick also certified Ms. Stephens as mentally ill?

Dr. MOORE. Yes. He certified but you asked me was he there at the proceedings, and——

Mr. AKERS. Well, one doctor had to be, is that correct?

Dr. MOORE. One doctor had to be there. So I presume it was him. I wasn't.

Mr. AKERS. OK.

Was Dr. Vick a psychiatrist?

Dr. MOORE. No, he was not.

Mr. AKERS. Did he ever consult with you on Grace Walden Stephens psychiatric diagnosis?

Dr. MOORE. Not personally, to my knowledge. However, now, I would add Dr. Vick had many years of experience in evaluating and interviewing psychiatric patients regarding commitment proceedings.

Mr. AKERS. Dr. Moore, when did you leave John Gaston?

Dr. MOORE. You mean the University of Tennessee?

Mr. AKERS. I mean when did you leave John Gaston Psychiatric unit, when did you cease functioning as the supervising psychiatrist there?

Dr. MOORE. It was either late 1968 or 1969.

Mr. AKERS. Why did you leave at that time?

Dr. MOORE. I left to go into full-time private practice.

Mr. AKERS. How long did you stay in private practice at that particular period of time?

Dr. MOORE. For approximately a year.

Mr. AKERS. What did you do at that time?

Dr. MOORE. I accepted a position at Western State Psychiatric Hospital to supplement my private income, and to give me an

opportunity to continue my work in drug research which I am particularly interested in.

Mr. AKERS. And it is true, is it not, when you went up to Western State Hospital that Grace Walden Stephens was a patient there at that time?

Dr. MOORE. I had no knowledge of it until I was asked by Superintendent Neale I believe it was, in 1971 or 1972 or 1970, I don't remember—

Mr. AKERS. Was your going there in any way related to her presence there?

Dr. MOORE. No, sir.

Mr. AKERS. Was she involved in your drug research program?

Dr. MOORE. Not to my knowledge.

Mr. AKERS. Did you treat Grace Walden Stephens while you were at Western State?

Dr. MOORE. No, sir.

Mr. AKERS. Is it true, as you just said, you did examine her in August of 1970 along with Superintendent Dr. Jack C. Neale?

Dr. MOORE. Superintendent Neale and I examined the patient together. When I went to Western State I was assigned to the acute admissions unit for Shelby County, females.

Mr. AKERS. And you would have had nothing to do—

Dr. MOORE. I would have had nothing to do with the patients who had been there for a protracted period of time.

Mr. AKERS. Now, the examination you made of her in 1970, was that in connection with a petition of habeas corpus which had been filed with respect to her?

Dr. MOORE. As I recall, yes, sir.

Mr. AKERS. Do you recall what your findings were?

Dr. MOORE. To the best of my knowledge, it was consistent with the same findings at the time of her discharge of organic brain syndrome, not competent, still having impairment of judgment, orientation, and memory but not psychotic, and probably could have been discharged if she had someone to take care of her.

Mr. AKERS. Well, was she released because of findings she could be discharged and because of the petition that was filed with respect to her?

Dr. MOORE. I beg your pardon?

Mr. AKERS. Was she released at that time?

Dr. MOORE. Not to my knowledge. In fact, we didn't go to court. We went to the courthouse but we were not called to testify.

Mr. AKERS. Dr. Moore, were you ever contacted by any outside authority, including any Federal, State or county officials concerning the commitment of Ms. Stephens?

Dr. MOORE. No.

Mr. AKERS. Do you know of any official pressure, suggestions or influence exerted in an attempt to have Ms. Stephens committed to a mental institution or to prevent her release after commitment?

Dr. MOORE. No, sir.

Mr. AKERS. Do you know of any efforts to silence Grace Walden Stephens?

Dr. MOORE. No, sir.

Mr. AKERS. To your knowledge, Dr. Moore, were all of the decisions in Mrs. Stephens' case based upon purely medical grounds?

Dr. MOORE. Absolutely.

Mr. AKERS. Mr. Chairman, I have no further questions at this time.

Chairman STOKES. The Chair recognizes the gentleman from Pennsylvania, Mr. Edgar, for such time as he may consume.

Mr. EDGAR. Thank you.

Doctor, I wonder if you could describe in layman's terms the condition of Grace Stephens when you first met her?

Dr. MOORE. When I first met the patient she was having auditory hallucinations, suicidal plans. Auditory hallucination, of course, means that she was hearing voices. These voices were threatening to her. She was unhappy, tearful, depressed.

Mr. EDGAR. How long after her arrival at the hospital did you meet her?

Dr. MOORE. It would have been within the first day or two because, as I stated previously, I made rounds several times weekly.

Mr. EDGAR. How did you know she was involved with the case involving Dr. King?

Dr. MOORE. As I recall, it was written on the admission, not in the emergency, not on the emergency, it was written on the admission note.

Mr. EDGAR. And who would have written that?

Dr. MOORE. Dr. Slechta.

Mr. EDGAR. Did you proceed to raise a question with him about what that note meant?

Dr. MOORE. You mean her? It's Dr. Mary Slechta. It was a female. I have no recall of that.

Mr. EDGAR. What was the mood in the community at this time, a few days after the death of Dr. King?

Dr. MOORE. I don't—would you be more explicit in your question, please, sir?

What was the mood of the community to what?

Mr. EDGAR. What was your feeling about the death of Dr. King?

Dr. MOORE. I was very sad.

Mr. EDGAR. Let me just try, and I know this may be a little bit in layman's terms, but I had an opportunity to spend a year in pastoral psychiatry at Hahnemann Hospital in Philadelphia and looking at some psychiatric issues and evaluating patients and working with them.

If, in reviewing a chart, on that chart was placed the comment, as is indicated on page 7 of our MLK exhibit F-322, which indicates husband is a key witness in Ray trial. This is July 8, 1968.

Dr. MOORE. That is correct, on the admission date.

Mr. EDGAR. Then it says, "which upsets her."

Dr. MOORE. That is correct.

Mr. EDGAR. OK.

Dr. MOORE. I think that would be a stressful factor.

Mr. EDGAR. Wouldn't you as a physician reading that diagnosis want to pursue it?

Dr. MOORE. I see no reason why I should. To my knowledge, at that time the husband was under protective custody, and furthermore, the husband, according to the information I have in the

records, was a very bad influence on the patient, and I was treating the patient, period.

Mr. EDGAR. But there are some strange things here.

In the intake forms it says, "Brought in by police and husband, ankle giving way and swollen."

Dr. MOORE. Swelled.

Mr. EDGAR. Swelled; "suicidal plans, insomnia, weight loss, hearing voices for about a week."

The next line is, "Husband is key witness in Ray trial, which upsets her. She attempted suicide in the past by cutting her wrists, scars are over a year old."

Dr. MOORE. That's correct.

Mr. EDGAR. "She appears worn out, depressed, sad. Mother had arthritis in wrist."

Now, you are reviewing this page and you have the patient in front of you; did you pursue with the patient her involvement in the Ray trial?

Dr. MOORE. No, I did not.

Mr. EDGAR. Then we go back to page 3 of those intake forms to the comment that our counsel was referring to, several comments.

The crossing out of the comment, "With caution; she is wife of witness in Ray trial", and then down at the bottom, "Please notify Memphis Police Department of Homicides as of disposition of patient and hold until disposition is made by police."

Can you clarify that in any more detail for me as to why such a statement would be listed?

Dr. MOORE. No, sir. As I previously stated, I have no recall of giving that verbal order.

Mr. EDGAR. What would you anticipate you were going to notify the police of?

Dr. MOORE. I could make a supposition, as I think I previously stated, that it was the end of the 3 days whereby, according to our Tennessee laws, we could legally hold a patient. After the end of 3 days, she would have to have a different type of admission slip, whether it be involuntary or voluntary, though I can only suppose that I would notify them that the arrest slip was running out and the patient needed continued treatment.

But I do have no recollection of giving this verbal order, sir.

Mr. EDGAR. Let me speculate for just a second and see whether or not the speculation is accurate or inaccurate.

It is about at the end of the 3-day period that she can be held for attempted suicide, is that not correct?

Dr. MOORE. That is correct.

Mr. EDGAR. And you, as physician, have to make some decision as to what to do with the patient; is that not correct?

Dr. MOORE. From a legal standpoint, to keep her on the unit, that is correct.

Mr. EDGAR. If you would have made a phone call to the police department asking whether or not the patient, who is the wife of a witness in the case, should be continued in the hospital, would that have been entered into—

Dr. MOORE. No; no, sir.

Mr. EDGAR. That particular order stands out among the rest of the orders as being—

Dr. MOORE. Yes, it does.

Mr. EDGAR. In a different style and much more directive than the others. And it's followed 1 day later with an order that says, "Get patient to sign voluntary admission slip today", on the 11th.

Dr. MOORE. That is correct.

Mr. EDGAR. And at no time the police department either communicated with you or you communicated with them?

Dr. MOORE. No, sir.

Mr. EDGAR. Throughout a lot of the documentation of this case the phrase is used, "Husband is a witness in King assassination" or "Husband is a witness in the Ray trial."

Do you know why that designation would be important if the initial designation—

Dr. MOORE. The only reason that I can see would be that this was an additional stress factor to the patient because she was, according to the initial interview, upset because of her husband's position.

Mr. EDGAR. What is meant by the phrase, "Hold until disposition is made by police"?

Dr. MOORE. There is no reason that I know of for that statement to be made.

The only way I could explain it would be that there was a misinterpretation in the verbal order when it was written down.

Mr. EDGAR. If the hospital's legal retention is running out, what justification does the Memphis Police Department have to holding her?

Dr. MOORE. As far as I know, none, except for the arrest slip. She was still—she had been admitted on an arrest slip. That's the only reason I can think of that I might have even made such a comment.

But, "Hold until disposition is made by the police" would only have been, could have been a referral to their disposition of the arrest slip, not disposition of the patient, because that is a medical decision.

Our primary purpose in being there was to try to help and cure the patient.

Mr. EDGAR. One final question:

Was there any fear for Grace Stephens' life from the outside in?

Dr. MOORE. Not to my knowledge, sir. She was in a psychiatric unit and in the psychiatric unit in a seclusion room. I don't think she could be in a safer place.

Mr. EDGAR. Well, there are indications throughout that there was some fear of retribution from her husband.

Dr. MOORE. Well, I think she made those statements, yes, sir.

Mr. EDGAR. Mr. Chairman, I have no further questions.

Chairman Stokes. The committee will now at this time, if any Member is seeking recognition, operate on the 5 minute rule.

The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. Thank you, Mr. Chairman.

I just want to clarify one or two points that the gentleman from Pennsylvania alluded to.

Actually, in the State of Tennessee suicide is a homicide, right?

Dr. MOORE. Yes, sir, to my knowledge.

Mr. MCKINNEY. So the Homicide Bureau of the Memphis Police Department maintains, as I understand it, an officer at Gaston Hospital at all times, so that when someone is diagnosed as suicidal they may be arrested at that point.

Dr. MOORE. Suicidal or homicidal on the recommendation of the examining doctor in the emergency room and the psychiatrist.

Mr. MCKINNEY. It was the practice at certain times, I understand, that if Gaston was full that psychotic arrests for suicide could be placed even in the jail system under special supervision; is that not correct?

Dr. MOORE. I am sorry to say that is correct, sir. And on occasions we had some very sick people who had to be held in jail until a bed was available.

Mr. MCKINNEY. So under the legal statutes of the State of Tennessee you have a 72-hour period where, in essence though the patient is medically in your charge, is under arrest by technicality and under the police charge, right?

Dr. MOORE. That is correct.

Mr. MCKINNEY. So the police would have to be notified under any conditions that a change in the disposition of the arrest warrant was taking place at the end of that 72-hour period.

Dr. MOORE. Yes, sir.

Mr. MCKINNEY. Thank you.

Chairman Stokes. Anyone else seeking recognition?

The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Doctor, I have a couple of questions.

He testified that, at the time you made a decision to place the patient in seclusion, as I understood it, you were concerned about her well-being, concerned about the suicidal tendencies, and so forth; is that correct?

Dr. MOORE. That is correct.

Mr. DODD. I notice on page 13 of these reports interviewed by Dr. Slechta checked on at hourly intervals for bathroom privileges and to smoke.

If you were going to seclude someone and try and protect them from themselves, why would you allow someone to smoke?

Dr. MOORE. They would be allowed to smoke while a staff member or a nurse or whoever would be present with them. They would not be allowed to smoke alone.

Mr. DODD. So that they were not allowed to smoke except with someone, just in the presence of someone else.

Dr. MOORE. Always in the presence of someone. In other words, they were allowed to smoke but under observation. They were not given cigarettes and matches.

Mr. DODD. Right below it says, "Secluded in her room, checked on frequently by staff and permitted to smoke." And that is the same?

Dr. MOORE. Yes, sir, that is the same thing, permitted to smoke when she was observed while she was smoking.

Mr. DODD. There is notation, page 12 of this report, and I am having a difficult time finding dates on here, but on these medical reports—

Dr. MOORE. Page 12?

Mr. DODD. Page 12, at least my page 12.

Dr. MOORE. The top of the page.

Mr. DODD. Yes. I am looking down at the bottom, maybe we can check to see if you have the same notation: "Police officer", I can't read the name, "here with patient's husband, and tried to force his way in to see patient. Refused entrance by nurse."

Did the police officer try and force his way in?

Dr. MOORE. No, sir. I am sure the police officer did not. The husband was under protective custody.

Mr. DODD. Doesn't that strike you as a bit strange, though; a man shows up with a police officer and tries to force his way in? I mean, if he showed up alone you might make an argument that the guy managed to get through some doors without anyone noticing him, but he shows up with a police officer and tries to force his way in.

Dr. MOORE. As I understand it, her husband was in protective custody, so the police officer would be there and whatever their instructions were about protective custody I don't know. The husband, according to the way I would interpret this, the husband attempted to see the patient and was probably making a fuss about it.

As I recall, there is an order in it, during her third week, where Dr. Slechta said the husband could visit, if he was sober.

Mr. DODD. Yes, but the nurse put down "forced" and I just—I don't want to pull one word out——

Dr. MOORE. That would be the nurse's interpretation. And probably there were some words, I can only speculate. I was not there.

When I was informed of the incident I verified that the patient had no privileges.

Mr. DODD. Then reading on further it says there would be no visitors until further notice. That is signed by Mrs. Campbell. You issued that order?

Dr. MOORE. According to the record, that is what I——

Mr. DODD. Is it normal operating procedure to prohibit all visitors?

Dr. MOORE. On certain patients, yes, sir. And patients who are agitated or become agitated by visitors, and certainly those who are very depressed and suicidal.

Mr. DODD. Do you know, based only on recollection, whether or not anyone else tried to see the patient?

Dr. MOORE. No, sir; I do not.

Mr. DODD. Would there be any record that you might be aware of that would indicate people who might, for whatever reason, have attempted to see the patient but were refused? Would the hospital keep those kinds of records?

Dr. MOORE. Usually it's entered in the nursing notes when they have visitors.

Mr. DODD. Let me suspend for one second, Mr. Chairman.

Mr. DODD. Could I direct your attention, Doctor, to page 10 of the notes, our notation 10. I am not sure, but that looks like July 27, 1968.

Dr. MOORE. My page 10 has July 31.

Mr. DODD. As I understood your response to my question with regard to the seclusion, it had to do with what you perceived to be

her suicidal tendencies, et cetera, your concern for her well-being. I am reading here from Dr. Slechta's notes about three-quarters of the way down the page. It indicates that she was secluded because Stephens was under police custody.

Dr. MOORE. I have no explanation of that statement because the patient was secluded for her own protection and because of her mental condition.

Chairman STOKES. The time of the gentleman has expired.

Mr. DODD. May I ask unanimous consent to continue for 1 additional minute?

Chairman STOKES. Without objection.

Mr. DODD. You have no explanation for Dr. Slechta's notation?

Dr. MOORE. No.

Mr. DODD. I do not want to encroach upon your patient-doctor relationship, but Dr. Slechta committed suicide; right?

Dr. MOORE. That is what I read in the newspapers. As I recall at that time she was a staff psychiatrist at the Tennessee State Psychiatric Hospital.

Mr. DODD. She was never a patient of yours?

Dr. MOORE. No, sir.

Mr. DODD. And you can offer no explanation whatever of why she would make a notation such as I have just recited to you before?

Dr. MOORE. No, because Stephens was under police custody. She was secluded from her husband because her husband upset her, yes; that's on the record.

Mr. DODD. Mr. Chairman, I am sure there are more questions, but I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman, two quick questions.

On page 12, the entry to which Congressman Dodd is referring, it says the incident was reported to Dr. Moore; Dr. Moore verified there would be no visitors until further notice.

Was it common practice to go to you as the head of the institute rather than the attending physician to determine whether there would be no visitors; or in this case, to "verify," I believe is the word?

Dr. MOORE. Not common, but probably because I was the first one they could get on the telephone. As I see, it was on the 3 to 11 shift. So I was probably still in the hospital area at that time.

Mr. FITHIAN. One final question: I just wanted you to review briefly what the alternative would have been if the patient had not voluntarily signed an application to stay in the hospital after 3 days.

Dr. MOORE. I would probably have recommended at that time that the hospital administration take it upon itself to make application for petition for the patient's commitment for further treatment, because she was seriously ill and suicidal and she needed it.

Mr. FITHIAN. You would have taken legal procedures?

Dr. MOORE. I would have asked the hospital administration to sign the legal proceedings necessary for involuntary treatment; in other words, involuntary treatment so we could continue treating the patient.

Mr. FITHIAN. Thank you. Mr. Chairman, I have no further questions.

Chairman STOKES. All right. Is there anyone else seeking recognition?

Dr. Moore, at the conclusion of a witness' testimony before this committee, the witness is entitled to 5 minutes in order to expand or amplify his testimony. I extend that opportunity to you at this time.

Dr. MOORE. I appreciate the opportunity, but I have nothing to add. My only concern in the treatment of this patient was the medical and psychiatric treatment of the patient.

Chairman STOKES. I assume by that answer you were not in any way a party to a conspiracy to silence this lady.

Dr. MOORE. Absolutely not, sir.

Chairman STOKES. Thank you very much, sir.

[Witness excused.]

The Chair recognizes Professor Blakey.

Mr. BLAKEY. A petition for commitment for Grace Walden, aka Grace Stephens, was filed with the Shelby County Probate Court on July 29, 1968, by Mr. John A. Henderson, administrator of John Gaston Hospital. Mr. Henderson has told the committee although he has no recollection of causing said petition—known as a lunacy warrant—to be filed, he was the legal designee of the John Gaston Hospital and would have done so in the course of his duties. Dr. David Moore and Dr. Sidney Vick certified that Ms. Walden's psychological condition indicated that she was a proper subject for treatment and care in a psychiatric hospital.

It would be appropriate at this time, Mr. Chairman, to introduce into the record as MLK F-327, the affidavit of Dr. Sidney Vick, who, on July 31, 1968, was a medical doctor licensed to practice in Shelby County, Tenn.

Chairman STOKES. Without objection it may be entered.

[The information follows:]

MLK EXHIBIT F-327

A F F I D A V I T

I, Sidney D. Vick, of Memphis, Tennessee, being duly sworn, make oath as follows:

That this statement is made freely, voluntarily, and without threats, promises, assurances, or remuneration from any source.

That on July 31, 1968, I was a medical doctor licensed to practice medicine in Shelby County, Tennessee.

That I have examined the attached two page document entitled "Commitment Proceedings, Tennessee State Psychiatric Hospitals, Department of Mental Health" and believe that Section 5 on page two of that document is a true and correct copy of a signed certification by myself to the effect that I had on July 31, 1968, examined Grace E. Walden and found her to be in need of care in a psychiatric hospital.

That although I was not a psychiatrist, I was employed by Shelby County for a period of fifteen years from 1960 to 1975 and \$400 a month for the purpose of testifying in Shelby County Probate Court with respect to judicial commitments of persons believed to be in need of psychiatric hospitalization.

After psychiatric observation by hospital Psychiatrists on whether further care was recommended - it was notified to see the patients
 That upon being informed that a particular patient was to be judicially committed, my normal procedure was to read the patient's medical record, to interview the patient for twenty to thirty minutes at the John Gaston Mental Ward, and to make a finding as to the need of that patient for further psychiatric treatment. *SDV 10-7-78*

That if my finding was that the patient did need further psychiatric treatment, I so certified in writing and then appeared in Probate Court at the judicial commitment proceedings to so testify in open court. *SDV*

That during my fifteen year tenure with Shelby County I normally handled an average of about fifteen such judicial commitments a month.

That the judicial commitment of Grace E. Walden was handled no differently than were hundreds of other judicial commitments handled by me over my ^{thirteen} ~~fifteen~~ ^{SV} year tenure.

That whether a judicially committed patient was sent to Western State Psychiatric Hospital in Bolivar, Tennessee, or to Tennessee Psychiatric Hospital in Memphis was a choice normally determined by bed availability in the latter institution.

That at no time was I approached, requested, or instructed by the Memphis Police Department, the Shelby County Attorney General's Office, the F.B.I., or by anyone to certify Grace E. Walden as mentally ill.

That to my knowledge the judicial commitment of Grace E. Walden to Western State Psychiatric Hospital was totally unrelated to any status she may have had as a witness to the assassination of Dr. Martin Luther King, Jr.

That I understand that this affidavit may be introduced and received into evidence by the Select Committee on Assassinations of the United States House of Representatives, and may lead them to make various findings of fact, and the statutes applicable to Congressional investigations, including but not limited to those concerning false statements, obstruction, or misleading, would subject me to criminal penalties for not telling the whole and complete truth in this affidavit.

Further affiant saith not.


SIDNEY W. VICK

Sworn and subscribed to before me on this 7th
day of November, 1978.


NOTARY PUBLIC

My Commission Expires:
My Commission Expires September 13, 1982

DMH-276

COMMITMENT PROCEEDINGS
TENNESSEE STATE PSYCHIATRIC HOSPITALS
DEPARTMENT OF MENTAL HEALTH

(1)

The parent, guardian, spouse, or a responsible adult relative, or any licensed physician, health or public welfare officer, or the head of any institution in which the individual may be, or any officer authorized to make arrests in Tennessee, may file a petition with the Judge or Chairman of the County Court of the county in which an individual resides or may be found, in writing, substantially as follows:

aka Grace E. Stephen

The undersigned hereby states that..... Grace E. Walden, 336 Washington Apt 3

is mentally ill, not mentally retarded; that..... Grace E. Walden.....

*(is an indigent person) (has the ability to pay or a responsible relative has the ability to pay) and that she is a citizen of the United States and has been a resident of the State of Tennessee for twelve (12) months or more and has been a resident of said county for sixty (60) days or more.
Sworn to and subscribed before me,

This 29 day of July, 19 68

K. D. Decker
Probate Court Clerk

*Strike out inapplicable alternative.

(2)

STATE OF TENNESSEE, Shelby COUNTY

To anyone lawfully authorized to serve:

Information having been furnished me on oath that Grace E. Walden

is mentally ill, you are hereby authorized and commanded, in accordance with the law, to take her and cause her

to be brought before the County Judge or Chairman of said county at Memphis

at 11:30 o'clock, A.M., on the 31 day of July, 19 68

there to be given a hearing to determine whether she is mentally ill, and otherwise dealt with, in accordance with Chapter 38, Public Acts 1965.

Given under my hand and seal,

This 29 day of July, 19 68

K. D. Decker
Probate Court Clerk

(3)

STATE OF TENNESSEE, Shelby COUNTY

Came to hand on the 31 day of July, 19 68, and executed by reading the

process to Grace E. Walden, aka Grace E. Stephen and by delivering

her to Probate County Judge or

Chairman of said County at Memphis, Tenn.

This 31 day of July, 19 68

of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER

JUL 31 1968

Samuel R. Brown
PROBATE JUDGE

(4)

STATE OF TENNESSEE, Shelby COUNTY

I, OT Moore, M.D., a licensed physician of the County of Shelby
Grace E. Walden
 State of Tennessee, hereby certify that I have this day personally examined she
she is in such condition of mind or body as to be a proper subject for treat-
 ment and care in a psychiatric hospital; that she is about 52 years of age;
 is subject to no contagious diseases; that according to the history of the case, the mental disorder is of years
 duration; that she is not a mentally retarded person and that the medical treatment has been hospitalization for over 3 weeks
 (Here set out the medical treatment and all circumstances known to the physician to illustrate the same.)
 Sworn to and subscribed before me,
 This 30 day of July, 1968
Jack on Perry OT Moore M. D.
Dep. Probate Court Clerk

(5)

STATE OF TENNESSEE, Shelby COUNTY

I, Johnny D. Vuk, a licensed physician of the County of Shelby
Grace E. Walden
 State of Tennessee, hereby certify that I have this day personally examined she
she is in such condition of mind or body as to be a proper subject for treat-
 ment and care in a psychiatric hospital; that she is about 52 years of age;
 is subject to no contagious diseases; that according to the history of the case, the mental disorder is of years
 duration; that she is not a mentally retarded person and that the medical treatment has been Chronic Brain Syndrome - Hallucinations - del
inspired in clothing - thought he was to shoot - Ready
 (Here set out the medical treatment and all circumstances known to the physician to illustrate the same.)
 Sworn to and subscribed before me,
 This 31st day of July, 1968
Jack on Perry Johnny D. Vuk M. D.
Dep. Probate Court Clerk

(6)

STATE OF TENNESSEE, COUNTY

Here insert other evidence or remarks:

Mr. BLAKEY. Dr. Vick examined a July 31, 1968, document already designated Martin Luther King exhibit F-326 concerning Ms. Walden's commitment to Western State Mental Hospital and stated it was an accurate copy of the certification he signed indicating Miss Walden was ill and in need of psychiatric treatment in a hospital.

In his affidavit, Dr. Vick explained his role in the commitment proceeding:

* * * although I was not a psychiatrist, I was employed by Shelby County for a period of 15 years from 1960 to 1975 at \$400 a month for the purpose of testifying in Shelby County Probate Court with respect to judicial commitment of persons believed to be in need of psychiatric hospitalization. After psychiatric observation by hospital psychiatrists on whether further care was recommended, I was notified to see the patients.

* * * upon being informed that a particular patient was to be judicially committed, my normal procedure was to read the patient's medical records, to interview the patient for 20 to 30 minutes at John Gaston Mental Ward, and to make a finding as to the need of that patient for further psychiatric treatment.

If Dr. Vick found that the further psychiatric treatment would be helpful, he would make this recommendation in probate court. He normally handled an average of 15 such commitments a month. He stated that " * * * the judicial commitment of Grace E. Walden was handled no differently than hundreds of other judicial commitments handled by me over my 13 year tenure."

The decision of whether to send a patient to Western State Psychiatric Hospital, in Bolivar, or Tennessee Psychiatric Hospital, in Memphis, was a choice normally determined by bed availability at Tennessee Psychiatric Hospital, according to Dr. Vick. He added that he was never approached by the Memphis Police Department, the FBI, or anyone else to certify Ms. Walden mentally ill, and that he believed her commitment to the Western State Hospital was totally unrelated to her status as a possible witness in the King case.

An order for Ms. Walden's commitment to Western State Hospital was issued by the Shelby County Probate Court on July 31. C. Cleveland Drennon, Jr., an assistant attorney for Shelby County, was appointed by the court to serve as Ms. Walden's guardian and counsel during the commitment hearings.

Mark Lane has attacked the commitment proceedings in his Hustler article, noted above. Mr. Lane wrote:

Every relevant State statute was violated as the judge signed a document declaring Ms. Walden to be incompetent and committed her to the Western Mental Health Institute at Bolivar, Tenn. Ms. Walden had not been represented by counsel at the hearing; no petition had been filed in advance of the hearing; no notice had been given of the proposed hearing. The legally authorized persons to file such a petition had not been consulted, and an unauthorized person (a hospital employee) had been utilized as the petitioner on behalf of the State. The order was void prima facie since the relevant statute prohibits a single order from both declaring a person to be incompetent and also committing that individual to an institution.

It would be appropriate at this time, Mr. Chairman, to call C. Cleveland Drennon, Jr., to comment on the commitment proceeding and to explain Tennessee law with respect to commitments in 1968.

Chairman STOKES. The committee calls Mr. C. Cleveland Drennon, Jr.

Please raise your right hand to be sworn.

Do you solemnly swear the testimony that you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DRENNON. I do.

Chairman STOKES. Thank you very much. You may be seated. The Chair recognizes Staff Counsel Jerry Akers.

Mr. AKERS. State your name for the record.

TESTIMONY OF C. CLEVELAND DRENNON, Jr.

Mr. DRENNON. C. Cleveland Drennon, Jr.

Mr. AKERS. What is your current address?

Mr. DRENNON. 4053 North Rose Road, Memphis, Tenn.

Mr. AKERS. Are you appearing before this committee today as a result of a congressional subpoena?

Mr. DRENNON. I am.

Mr. AKERS. I would remind you, Mr. Drennon, you are under oath and you are to tell the truth, the whole truth, and you could possibly subject yourself to charges of perjury and congressional obstruction should you fail to do so. Do you understand that?

Mr. DRENNON. I understand that.

Mr. AKERS. Mr. Drennon, are you presently employed?

Mr. DRENNON. At the present time, I am serving as a special counsel to Dr. Billy M. Jones, the president of Memphis State University.

Mr. AKERS. What was your last employment?

Mr. DRENNON. County attorney, Shelby County, Tenn., from September 1, 1970, through August 31 of 1978.

Mr. AKERS. Under what circumstances did you leave that position?

Mr. DRENNON. I refer it as "involuntarily retired." I am presently retired. The mayor I worked for since 1976—we have a county mayor system in Shelby County and Mayor Roy C. Nixon didn't seek reelection and I was not reappointed by the county mayor who was elected, Bill Morris.

Mr. AKERS. The position of county attorney is a political position?

Mr. DRENNON. Yes; you are appointed by the mayor, subject to the approval by the county court. At the time I had worked 18 years, 8 months and 4 days. If you have more than 15 years and are not reappointed, it is referred to as involuntary retirement. So I am presently a retiree.

Mr. AKERS. Is it true you were employed from 1959 to 1965 with the Shelby County district attorney general's office?

Mr. DRENNON. I was appointed by Phil M. Canale, Jr., in June of 1959 and served as assistant district attorney general up until February of 1965.

Mr. AKERS. So Mr. Canale was your boss on that job?

Mr. DRENNON. He certainly was.

Mr. AKERS. And when you left and went into private practice, how long did you stay there?

Mr. DRENNON. From February 1965 until May of 1978—1968; excuse me.

Mr. AKERS. Following May of 1968, what did you do?

Mr. DRENNON. I joined the staff of the then county attorney, William H. Williams, as a full-time assistant county attorney in May of 1968.

Mr. AKERS. How long did you stay with that position?

Mr. DRENNON. I served under both Mr. Williams and James C. Beasley as assistant county attorney, until I was appointed county attorney in 1970.

Mr. AKERS. Then your superior at the county attorney's office was William Williams?

Mr. DRENNON. Yes.

Mr. AKERS. What is his position now.

Mr. DRENNON. He is presently criminal court justice, division three of Shelby County, Tenn., appointed by the then Governor of the State of Tennessee following the death of Preston W. Battle, then the presiding judge.

Mr. AKERS. This is the same Judge Battle who presided over the guilty plea proceedings of James Earl Ray?

Mr. DRENNON. It is.

Mr. AKERS. Is it true that one of your duties as assistant county attorney was to appear at the probate court twice a week in connection with commitment proceedings?

Mr. DRENNON. They were usually scheduled twice a week, Tuesdays and Thursdays.

Mr. AKERS. What was the nature of your participation in those proceedings?

Mr. DRENNON. I would be called by hospital services. We operated under the commission-county court form of government, and the Hospital Services was a division of the commissioner of health; and it handled the judicial hospitalizations in conjunction with the probate court.

I would be called when they were going to have some commitment proceedings.

Mr. AKERS. What was the purpose of those proceedings?

Mr. DRENNON. Judicial commitments, hospitalization.

Mr. AKERS. Of whom? Mentally ill?

Mr. DRENNON. Yes.

Mr. AKERS. What was the actual framework of those proceedings?

Mr. DRENNON. The division of hospital services, under the commissioner of health who, at the time, was James W. Moore, they would process the application and the petition and then have it ready when I got over there.

Mr. AKERS. Where would the application come from?

Mr. DRENNON. Hospital services, which was also in the courthouse.

Mr. AKERS. Where were the persons located who were the subjects of these proceedings?

Mr. DRENNON. Anybody could make application; then the subjects would be taken for examination.

Mr. AKERS. Would these subjects be persons who were patients in John Gaston Hospital psychiatric unit?

Mr. DRENNON. Sometimes they were in this hospital and sometimes not. Sometimes application would be made when they were not in the hospital. They would be taken to the hospital for exami-

nation. Sometimes they were in the hospital and an application would be made while they were in the hospital.

Mr. AKERS. After an application had been made, what would happen?

Mr. DRENNON. They would be examined and then the petition would come on to be heard.

Mr. AKERS. Where?

Mr. DRENNON. In the probate court of Shelby County, Tenn. At that time there were two divisions of probate court, division 1 and division 2.

Mr. AKERS. You would be appointed to represent the patients who were the subjects of those proceedings if they did not have their own attorney?

Mr. DRENNON. I would appear over there with the patients, go over their application, and at that time find out whether they had private counsel, or I would be appointed as counsel. I was appointed as counsel in the hearing by the judge after he requested, made inquiry of the subjects if they had private counsel. If they didn't, he would appoint me as guardian ad litem.

Mr. AKERS. On July 31, you were appointed as her attorney, and the hearing was held on the same day?

Mr. DRENNON. That's the date we reviewed earlier, July 31, 1968. I was so appointed by the late Harry Pierotti.

Mr. AKERS. Were you also appointed as her guardian at that time?

Mr. DRENNON. Guardian ad litem.

Mr. AKERS. What is a guardian ad litem?

Mr. DRENNON. A person who looks after the interests of the client-patient, to do what is in the best interest of the client-patient at that time.

Mr. AKERS. Did you represent Grace Walden Stephens at proceedings held in Shelby County, Tenn., on July 31, 1968?

Mr. DRENNON. To the best of my ability.

Mr. AKERS. Was she committed to the hospital on the grounds she was mentally ill?

Mr. DRENNON. There was a doctor present. Dr. Vick testified, and based on my observation and the doctor's testimony the court did order Grace Walden to Western State Hospital.

Mr. AKERS. I would like to have entered in the record at this time MLK exhibit F-328, which is the Shelby County probate court judgment adjudging Grace E. Walden to be mentally ill, incompetent, and in need of treatment in a mental hospital.

Chairman STOKES. Without objection it may be entered into the record.

[The information follows:]

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Grace E. Walden, aka Grace Stephen
Mentally Ill Suspect

NO. 12808 L.D.

The hearing on this matter is set on July 31, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.G. C. Necker
ClerkAPPOINTMENT OF GUARDIAN AD LITEM AND COUNSELHonorable C. CLEVELAND BRENTON, JR., an attorney, is appointed
guardian ad litem and counsel for said suspect. This JUL 31 1968.Dwight D. Pearson
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:
(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~has the ability to pay or a responsible relative has the ability to pay~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$

IT IS FURTHER ORDERED that a fee in the sum of \$ 15.00 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 31 1968Dwight D. Pearson
PROBATE JUDGE

MLK EXHIBIT F-328

Mr. AKERS. Can the witness be given a copy of the exhibit? [Said document handed to witness.]

Mr. AKERS. Do you recognize this copy of the judgment?

Mr. DRENNON. Yes, this appears to be a copy of the judgment signed by Judge Pierotti on July 31, 1978, in the matter of Grace E. Walden, a.k.a., also known as, Grace Stephen, mentally ill suspect.

Mr. AKERS. Does this judgment indicate that in fact Grace Walden was adjudged mentally ill, incompetent, and in need of commitment for treatment?

Mr. DRENNON. It does.

Mr. AKERS. Who presided during this proceeding?

Mr. DRENNON. Judge Pierotti.

Mr. AKERS. Where is he today?

Mr. DRENNON. Deceased.

Mr. AKERS. Of natural causes?

Mr. DRENNON. Yes, sir.

Mr. AKERS. What was the length of time prior to the commitment proceedings when you were appointed as Grace Walden's guardian?

Mr. DRENNON. I was appointed during the proceedings, but I interviewed her prior to the proceedings. I don't know if the record would reflect she was the only lady who appeared that day, but I would go over the application prior to the hearing and I would, in all likelihood, be appointed the guardian. But in open court, Judge Pierotti would inquire if the subject had her own counsel, but I would have already talked to her.

Mr. AKERS. When were you appointed her counsel?

Mr. DRENNON. That day.

Mr. AKERS. At the same time as the hearing?

Mr. DRENNON. Same time.

Mr. AKERS. Did you confer with your client before the proceedings?

Mr. DRENNON. I did.

Mr. AKERS. When exactly did you confer with her?

Mr. DRENNON. This proceeding is usually informal, held after the regular court calendar had been disposed of. There were usually no other persons in the courtroom at the time.

The law provided for in-chamber hearings but they were never held in chamber. We would all approach the bench and the judge would ask her if she had private counsel, or desired private counsel, and if she desired a continuance to get private counsel. In this case, I was appointed.

Mr. AKERS. How long did you confer with her?

Mr. DRENNON. Just a few minutes; maybe 5 or 10 minutes, maybe longer. I would have the application papers and the petition.

Mr. AKERS. Did you confer with the psychiatrist who had certified Grace E. Walden, a.k.a. Grace Stephens, mentally ill and incompetent?

Mr. DRENNON. I did not speak with him specifically. I did review his findings. I did talk with and cross-examine a Dr. Sidney Vick, who is another physician who appears and testifies in every case in open court. I talked to him and cross-examined him.

Mr. AKERS. Is Dr. Vick a psychiatrist?

Mr. DRENNON. He is a physician.

Mr. AKERS. Not a psychiatrist?

Mr. DRENNON. The law only requires two physicians; it doesn't require them to be psychiatrists.

Mr. AKERS. How long did you confer with Dr. Vick?

Mr. DRENNON. I would confer with him before we went in, then at the hearing after being appointed as her guardian, I would cross-examine him rather extensively regarding his findings.

Mr. AKERS. Mr. Drennon, did you determine whether or not your client had been given proper notice as to the commitment proceedings?

Mr. DRENNON. I think she was served by the deputy sheriff the same day.

Mr. AKERS. She would have been given notice under the law the same day the proceedings were held?

Mr. DRENNON. Yes.

Mr. AKERS. Did you determine whether or not her nearest relative or relatives had been given proper judicial notice?

Mr. DRENNON. To the best of my recollection there was no nearest relative. The notification of the nearest relative would have been handled by hospital services. I believe she was divorced. I believe she had an elderly father living in Arkansas. I have no recollection as to whether he was contacted or was at the hearing.

Mr. AKERS. Did you make an investigation as to whether that notification had been made?

Mr. DRENNON. That would have been done by hospital services.

Mr. AKERS. Did you check?

Mr. DRENNON. No. The hospital services handled the notification and if there was a next of kin, they would be there if they could locate them. They would do all within reasonable means to locate him. Her father, who was living at that time, was around 80 years of age. I think that was her nearest relative. I don't think she was married at the time.

Mr. AKERS. Did you request a continuance so you could talk to the psychiatrist who examined her?

Mr. DRENNON. I did not request a continuance. Had she requested private counsel, Judge Pierotti would have granted her a continuance.

Mr. AKERS. Did she testify on her own behalf?

Mr. DRENNON. I don't recall.

Mr. AKERS. If she did, would there be a record?

Mr. DRENNON. There was no transcription taken at the time.

Mr. AKERS. Did you call anyone else to testify?

Mr. DRENNON. No.

Mr. AKERS. Did the psychiatrist, Dr. Moore, who examined her, testify?

Mr. DRENNON. No; the law only requires that one of the physicians testify in open court. The psychiatrist hardly ever—they didn't like to come to court. Dr. Vick is one who testified 90 percent of the time.

Mr. AKERS. Would Dr. Vick have been the only witness testifying at that time?

Mr. DRENNON. He would have been in the event Mrs. Walden didn't testify in her own behalf.

Mr. AKERS. Did your client ever object to the proceedings?

Mr. DRENNON. Not that I recall.

Mr. AKERS. Did you ask her if she had any objection?

Mr. DRENNON. I don't recall if I asked her.

Mr. AKERS. Did you object to the proceedings?

Mr. DRENNON. No, sir.

Mr. AKERS. Were you satisfied in your own mind that the adjudgment of her mental illness or need for psychiatric treatment was properly before the court?

Mr. DRENNON. I wish it would be possible to have a videotape of the proceeding as to what happened in the court 10 years ago.

The lady was a very small lady, very thin, very shaky, and seemed to be quite—in my own observations—ill, as a layman.

This was further brought out by the report of the psychiatrist which was part of the petition. It was emphasized, as I recall, rather extensively by Dr. Vick. I don't know if he has been a witness before this committee or not. It was brought out about her past history, and I do specifically recall testimony of the fact there was a possibility of suicidal tendencies on the part of Grace Walden.

I was convinced and I think this committee would have been convinced as Judge Pierotti was at that hearing, that this lady needed hospitalization at that time on July 31, 1968, in Shelby County, Tenn.

Mr. AKERS. Did you base your conclusion that she did indeed need hospitalization on your observations of her at that time?

Mr. DRENNON. The psychiatric report I had access to of Dr. Moore, the cross-examination I conducted, and my personal observation, and based on the entire record in the matter, it was my opinion she needed hospitalization at that time.

Mr. AKERS. Would you indicate to the committee the specific observations you made?

Mr. DRENNON. She looked as though she was suffering from malnutrition; she was very thin; pallor; very shaky, very shaky.

The suicidal tendencies indicated by Dr. Moore and Dr. Vick indicated the lady needed hospitalization and as her attorney, her guardian, it was my opinion then and now that hospitalization for Grace Walden on July 31, 1968, was in her best interest; and that was my sole purpose.

Mr. AKERS. Mr. Drennon, in a situation such as this, where you were appointed to represent your client, Grace Walden Stephens, during the commitment proceedings themselves; in which you only examined her for a period of perhaps 5 to 10 minutes shortly before she was to appear; in which you never conferred with the psychiatrist who evaluated her; in which you had no testimony from the psychiatrist; in which there was no determination as to whether notice had been given to her nearest relative; and in which you asked for no continuance, which was clearly available to you under Tennessee law, in order to correct these deficiencies; did you feel you properly represented and safeguarded her legal and constitutional rights?

Mr. DRENNON. I certainly do.

Mr. AKERS. During your tenure as assistant county attorney, how many persons do you think you represented over that period of 2½ years?

Mr. DRENNON. That would just be a guess.

People committed in Shelby County were something like 200 a year. I think it is up to something like 500 a year.

Mr. AKERS. Would you have represented all those persons?

Mr. DRENNON. I would say about 90 percent of them when I was assistant county attorney. When I became county attorney in 1970, it was not my responsibility, but a function of my office.

There were some judicial decisions, mainly from the State of Wisconsin in 1975—

Mr. AKERS. If you do not mind, would you make those remarks at the end of your testimony? You will be given a 5-minute period of time to do so. I would like to continue with my line of questions.

You indicated that you represented a large number of persons in commitment proceedings. Is this the same type of representation you presented for Grace Walden Stephens that you provided for all the others?

Mr. DRENNON. I would be appointed on the day of the hearing. I would have available the psychiatric report. I would have cross-examination. Possibly occasionally there would be next of kin to testify, and possibly the person herself would testify. I don't have the recollection as to whether Grace Walden testified or not.

Mr. AKERS. Mr. Drennon, if I could refer you for a moment back to the probate court judgment that you have before you. I notice on this judgment there is a finding in the same order that Grace Walden Stephens was incompetent, and also of the existence of her mental illness requiring that she be committed to Western State.

Is it appropriate that both these findings be made and referred to in the same order?

Mr. DRENNON. Let me digress a bit if I could.

This is a form which was in effect prior to my becoming an assistant county attorney in May of 1968. It was a form designed, I believe, in conjunction with the State department of mental health and also possibly the county attorney's office prior to my arriving there; and it was continued in use through 1976.

This form was—one of the judges in division 1 didn't feel he could find a person mentally ill unless he also found that person to be incompetent. That was one of the reasons for the form. In 1976, the legislature by a special act in counties over 600,000 provided that the judicial commitments only be held in division 2.

I am getting ahead of myself. I did, as county attorney, revise this form.

Mr. AKERS. Is that because you felt the form to be invalid?

Mr. DRENNON. I think the finding of mental illness and mental incompetency should be considered in two separate hearings. But the judge—

Mr. AKERS. Did your client ever tell you that she was an eyewitness to the assassination of Dr. Martin Luther King, Jr.?

Mr. DRENNON. I don't recall that. She was my client. The confidential relationship I had with her at that time I couldn't divulge without any waiver. Although the application does state, "Possible witness," I did not go into the Dr. King slaying at that time.

Mr. AKERS. Did she ever contend to you that she was being committed because she was an eyewitness to the assassination?

Mr. DRENNON. No, sir.

Mr. AKERS. Did Phil Canale, William H. Williams, anyone in the police department, the Shelby County attorney's office, or the FBI, ever indicate to you that they wanted Grace Walden locked up because she had been an eyewitness to the assassination of Martin Luther King?

Mr. DRENNON. No, sir.

Mr. AKERS. Was she committed to the hospital because she had been an eyewitness and could provide favorable defense testimony for James Earl Ray?

Mr. DRENNON. No, sir.

Mr. AKERS. She was adjudged mentally ill and incompetent and in need of psychological treatment?

Mr. DRENNON. Yes, sir, on July 31, 1968.

Mr. AKERS. I have no further questions.

Chairman STOKES. Do any members of the committee seek recognition?

Mr. FITHIAN.

Mr. FITHIAN. You testified you consulted with Grace Walden Stephens for 5 or 10 minutes or so when she was in the court. How was she brought to the court?

Mr. DRENNON. Is it Mr. Fithian or—

Mr. FITHIAN. Fithian.

Mr. DRENNON. She was brought to the court at that time in 1968 by the city police. I believe they transported people from the John Gaston Hospital to the probate court. We have since changed that procedure since I was county attorney. Now, the judge goes out to the hospital.

Mr. FITHIAN. Was she restrained in any way?

Mr. DRENNON. No.

Mr. FITHIAN. Not in handcuffs?

Mr. DRENNON. No. She was a very pitiful lady. Skinny, thin, bordering on malnutrition.

Mr. FITHIAN. You have a clear recollection she was not brought in in handcuffs?

Mr. DRENNON. To the best of my recollection she was not. If she was, I stand corrected. They usually didn't chain or handcuff anybody at that time unless they had been violent.

Mr. FITHIAN. Do I understand your legal status in the courtroom that day would be both as state's attorney, that is in your position as assistant county attorney, and as Grace Walden Stephens' counsel?

Mr. DRENNON. No, sir. I was not a state's attorney. The county attorney's office in Shelby County, Tenn., is exclusively civil; they have no criminal jurisdiction at all. The whole criminal jurisdiction is under Canale's office.

Mr. FITHIAN. Does anybody represent the State in the commitment procedure?

Mr. DRENNON. No. I changed the commitment procedure when I was county attorney. Now, no longer does the county attorney act as guardian ad litem, but we have members of the bar association acting as guardians ad litem.

Mr. FITHIAN. There have been questions raised by counsel and others this morning as to the legality of the proceedings. The counsel raised the question that both conditions of mental illness and mental incompetency are incorporated in the same order. Is that common practice?

Mr. DRENNON. Yes.

Mr. FITHIAN. Was there anything different about the proceedings in the Grace Walden Stephens case from any other case that you recall?

Mr. DRENNON. No, sir; no, sir.

Mr. FITHIAN. This was exactly the same procedure you went through for everybody?

Mr. DRENNON. Yes. I would come over there that day. If they didn't have counsel, I would confer with them and I would be appointed and the hearing would go on. They were always asked if they wanted private counsel. If they did, they were given a continuance.

Mr. FITHIAN. I am curious to know about the power of the hospital where there is no relative petitioning for commitment. If you declare the person incompetent—I am no lawyer, so I have to feel my way—but if you declare the person incompetent, she can't make application?

Mr. DRENNON. No; the patient won't make application, but there were many times when there was somebody in need of hospitalization who had suicidal tendencies or a danger to themselves and there would be no one to sign for them; then the law provides a police officer can sign; many times a deputy sheriff would sign.

Mr. FITHIAN. Then again it is not uncommon that you have a person before you in that capacity for whom the only application for transfer or commitment was made by a hospital official?

Mr. DRENNON. It was not uncommon. To be completely honest with you, most of the time there would be a member of the family who would sign, but it was not uncommon to have a city policeman, hospital superintendent, a health officer, welfare officer, to sign these applications. Welfare people sign them because oftentimes they would go out there on an investigation and find people out there and nobody out there to look after them and take care of them and they were mentally ill, and welfare officers had the authority under these circumstances—health officer, welfare officer, police officers—in addition to the next of kin or spouse.

Mr. FITHIAN. Thank you, Mr. Chairman. I have no further questions.

Chairman STOKES. The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Do I understand, Mr. Drennon—is that how you pronounce it?

Mr. DRENNON. Yes, sir.

Mr. DODD. Am I to understand that at the time you represented Grace Walden you were aware of the fact that she was a possible witness?

Mr. DRENNON. I think the application you have reads possible witness in the Dr. King—

Mr. DODD. So you were aware she was in one way or another involved or potentially involved?

Mr. DRENNON. I was aware she was a possible common law wife of Charlie Stephens, for lack of a better word.

Mr. DODD. I find it incredulous, given that set of circumstances and given the significance of the King case, that there was not greater protection regarding these proceedings. I believe that under Tennessee law notification of relatives is required; is that right?

Mr. DRENNON. Yes.

Mr. DODD. You were aware of that at the time of the proceedings?

Mr. DRENNON. Yes.

Mr. DODD. Am I also to understand from your testimony that Mrs. Walden had a father?

Mr. DRENNON. I think the application says a father 80 years old somewhere in Arkansas. I can't tell you whether he was notified or not.

Mr. DODD. It doesn't make any reference to the age, just the relationship.

Mr. DRENNON. It didn't make any difference how old he was.

Mr. DODD. And you were aware at the time that her relative was alive, and also, as I understood your testimony, you were aware at the time that no notice had been given to her father?

Mr. DRENNON. I don't recollect whether notice was given or not. That would have been done by hospital services.

Mr. DODD. Were you not representing Mrs. Walden?

Mr. DRENNON. Yes, sir.

Mr. DODD. Would it not be incumbent upon you as her attorney to make sure the letter if not the spirit of that statute was being lived up to?

Mr. DRENNON. I am assuming that it was.

Mr. DODD. You are assuming?

Mr. DRENNON. Yes, sir. The testimony in the court, from my physical observations of this lady, this was sufficient reason for hospitalization and not to ask for a continuance.

Mr. DODD. As I understand it, you are an attorney. You are not a physician?

Mr. DRENNON. No, sir.

Mr. DODD. A psychologist or social worker?

Mr. DRENNON. No, sir.

Mr. DODD. What would qualify you to render an opinion in this matter?

Mr. DRENNON. Any layman under the law can testify as to his observations, and my observations were all that was needed.

Mr. DODD. Your observations were regarded as expert testimony?

Mr. DRENNON. No. My observations, together with expert witnesses' testimony, convinced me hospitalization was in her best interest.

Mr. DODD. Did you tell your client in advance what your recommendations were going to be?

Mr. DRENNON. No. I had no recommendation prior to cross-examination of Dr. Vick.

Mr. DODD. So Mrs. Walden did not know when you appeared in court that you were going to recommend that she be sent to a mental hospital?

Mr. DRENNON. She was mentally ill and should have been sent to the hospital. I thought so then and I do now, that at that time, on July 31, 1968, she should be hospitalized for further treatment.

Mr. DODD. You spent 5 or 10 minutes with her?

Mr. DRENNON. That's just an estimate. That's prior to the hearing? The hearing probably lasted 30 minutes. Maybe it was more than 5 or 10 minutes.

Mr. DODD. You were certainly aware at the time of the potential significance——

Mr. DRENNON. I appreciate that.

Mr. DODD [continuing]. Of this individual in an important case?

Mr. DRENNON. I realized that.

Mr. DODD. Did it not seem incumbent on you to see that this particular lady was given every possible consideration so as not to potentially raise questions as to her incarceration in that mental institution?

Mr. DRENNON. Hindsight being 20-20, if I had known what has happened since then, I would have recommended nobody in the county attorney's office be guardian ad litem for that lady and that independent counsel be hired. That is hindsight.

Mr. DODD. I have no further questions.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Tennessee, Mr. Ford.

Mr. FORD. No questions.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. No questions.

Chairman STOKES. Apparently there are no further questions of you at this time. Under the rules of this committee, I extend 5 minutes for you to amplify or expand your testimony.

Mr. DRENNON. I appreciate that, Mr. Chairman. I would like to get into the record first something about the background and the character and honesty of Judge Harry Pierotti, deceased, who is not able to testify before this committee, because it was his order, based upon the evidence on July 31, 1968, and based upon his own observations.

He was born in Memphis, Tenn., 1908; he attended Christian Brothers High School in Memphis, Springhill College in Mobile, Ala., Vanderbilt Law School and graduated in 1932; a member of one of the outstanding law firms, Shea and Pierotti, for 30 years; he was a member of the Memphis Park Commission for 25 years, chairman, 20 years; a Roman Catholic, held all the offices in the Knights of Columbus and for 12 years and at the time of his death was a member of the Supreme Council of the Knights of Columbus, which is their guiding board of directors.

He was a man of outstanding integrity and honesty, one of the outstanding lawyers in Shelby County, and at the time of his death, one of the outstanding judges in Shelby County.

Later when I was appointed county attorney and was made aware of some acts of the legislature, and as a result of a court decision in Wisconsin in 1975, it was my opinion that we should revamp the procedure and it was done and since that time no member of my staff has been appointed guardian ad litem. We would get a list of lawyers from the Memphis and Shelby County Bar Association of those who would serve.

After the jurisdiction was put into district 2, in 1969, during that time, the procedure was revamped while I was a county attorney, and there is no longer a separate finding of incompetency along with a finding of mental illness in the same hearing and order.

I am glad I was able to accomplish that while I was Shelby County attorney.

I would like to reemphasize what I said from the beginning, what I felt on July 31, 1968, and what I have told this committee: Based on my personal observations and the medical testimony, I felt it my duty as guardian ad litem that as my client this woman's best interest was that she be further hospitalized.

I say that now, 10 years later. I personally feel that if this person had suicidal tendencies and had she been turned loose and this petition been dismissed on July 31, 1968, I sincerely, Mr. Chairman, do not believe she would have been alive today.

Thank you.

Chairman STOKES. Thank you very much, Mr. Drennon. There being nothing further at this time, you are excused, sir.

Mr. DRENNON. My subpoena says I am to stay in the city of Washington until I am discharged; am I discharged?

Chairman STOKES. You are discharged.

There being no further witnesses this morning, the committee will recess until 2 p.m. this afternoon.

[Whereupon, at 11:50 a.m., the hearing was recessed, to resume at 2 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

It would be appropriate at this time to introduce into the record as one combined exhibit Martin Luther King F-329, copies of the incompetency and commitment judgments made by the Shelby County Probate Court from July 25, 1968, to August 7, 1968, the week before and after the commitment of Grace Walden.

Chairman STOKES. Without objection, it may be entered into the record.

[The information follows:]

IN THE MATTER OF:

The hearing on this matter is set on July 25, 1968 at
:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

G. C. Decker
Clerk

Honorable J. CLEVELAND DRENNON, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This III 25 1968.

James C. Prescott
J U D G E

ENTER JUL 25 1968

Dan C. Taylor
PROBATE JUDGE

James Andrew White

Mentally Ill Suspect

NO. 9539 L.D.

The hearing on this matter is set on July 25, 1968 at
11:30 AM. in the Probate Courtroom in the Shelby County Courthouse.

L. C. Becken
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable B. CLARENCE ERESON, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This JUL 25 1968.

Judge

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and
is hereby appointed guardian of the person and the estate of said
person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 1.50 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 25 1968

Daniel J. Presen
PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Alvin M. Cooper, Sr
Mentally Ill Suspect

NO. 11423 L.D.

The hearing on this matter is set on July 25, 1968 at 11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

L. A. Barker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable U. CLEVELAND DRENNON, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This JUL 25 1968.

George Jackson
J U D G E

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 1500 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 25 1968

Carol J. Perdue
PROBATE JUDGE

Odiss W. Copeland

Mentally Ill Suspect

NO. 12799

L.D.

The hearing on this matter is set on July 29, 1968 at 11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable T. CLEVELAND DRENNOW, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This JUL 29 1968.

J N D G E

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof:

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital:

(3) Said person ~~(is an indigent person without anyone legally~~
liable) (has the ability to pay or a responsible relative has the
ability to pay) under Chapter 38 of the Public Acts of 1965 for his
or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Tennessee Psychiatric & Research Institute Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____

IT IS FURTHER ORDERED that a fee in the sum of \$ 15⁰⁰ be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 29 1968

PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Grace E. Walden, aka Grace Stephen
Mentally Ill Suspect

NO. 12808 L.D.

The hearing on this matter is set on July 31, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.*L. C. Neaker*
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable C. CLEVELAND DRENNON, JR., an attorney, is appointed
guardian ad litem and counsel for said suspect. This JUL 31 1968.*Dennis P. Reese*
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person ~~(is an indigent person without anyone legally liable) (has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT ~~_____~~ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ ~~_____~~.

IT IS FURTHER ORDERED that a fee in the sum of \$ 15.00 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 31 1968

Dennis P. Reese
PROBATE JUDGE

NO. 9864 L.D.

L. C. Decker
Clerk

Judge

Samuel J. Dusen
PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Joy Kathryn Coxen
Mentally Ill Suspect

NO. 12895 L.D.

The hearing on this matter is set on July 31, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

A. C. Decker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable C. CLEVELAND DRENNOW, JR., an attorney, is appointed
guardian ad litem and counsel for said suspect. This JUL 31 1968.

Dan J. Jordan
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Tennessee Psychiatric & Research Institute Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

~~IT IS FURTHER ORDERED THAT~~ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$.

IT IS FURTHER ORDERED that a fee in the sum of \$ 15.00 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER JUL 31 1968

Dan J. Jordan
PROBATE JUDGE

Daywood Ross, Jr
Mentally Ill Suspect

NO. 12810 L.D.

The hearing on this matter is set on August 2, 1968 at 11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

L. A. Becker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable U. CLEVELAND DRENNON, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This AUG 2 1968.

James J. Russell
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof:

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital:

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 150 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER

Chas. C. Thomas
PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Mary Nell Giaroli

Mentally Ill Suspect

NO. 12812 L.D.

The hearing on this matter is set on August 2, 1968 at
11:30 A M. in the Probate Courtroom in the Shelby County Courthouse.

H. C. Baker
 Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable C. CLEVELAND DREHON, JR., an attorney, is appointed
 guardian ad litem and counsel for said suspect. This AUG 2 1968.

James C. Drennon
 JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person ~~(is an indigent person without anyone legally liable)~~ (has the ability to pay or a responsible relative has the ability to pay) under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Tennessee Psychiatric & Research Institute Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT ~~the said person~~ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ 1500.

IT IS FURTHER ORDERED that a fee in the sum of \$ 1500 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER Aug. 2, 1968

James C. Drennon
 PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Betty Bly McElroy
Mentally Ill Suspect

NO. 12526 L.D.

The hearing on this matter is set on August 2, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

L. A. Decker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable W. C. FORD AND BROWN, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This AUG 2 1968.

Amos C. Brown
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital:

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____

IT IS FURTHER ORDERED that a fee in the sum of \$ 150 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER AUG 2 1968



PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Dennis King Wade
Mentally Ill Suspect

NO. 12809 L.D.

The hearing on this matter is set on August 2, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

H. A. Decker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable G. C. [unclear], an attorney, is appointed
guardian ad litem and counsel for said suspect. This AUG 2 1968.

[Signature]
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person ~~(is an indigent person without anyone legally liable)~~ (has the ability to pay or a responsible relative has the ability to pay) under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Tennessee Psychiatric & Research Institute Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT [Signature] be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ [Signature].

IT IS FURTHER ORDERED that a fee in the sum of \$ 1.50 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER AUG 2 1968

[Signature]
PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Walter Lee Nelson
Mentally Ill Suspect

NO. 12791 L.D.

The hearing on this matter is set on August 5, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

L. A. Necker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable M. CLEVELAND DRENNON, JR., an attorney, is appointed
guardian ad litem and counsel for said suspect. This AUG 5 1968.

D. J. Drennon
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 15⁰⁰ be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

AUG 5 1968
ENTER _____

D. J. Drennon
PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Ruby Pearl Miller
Mentally Ill Suspect

NO. 12804 L.D.

The hearing on this matter is set on August 5, 1968 at 11:30 A.M. in the Probate Courtroom in the Shelby County Courthouse.

Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable C. CLEVELAND DRENNON, JR. an attorney, is appointed guardian ad litem and counsel for said suspect. This AUG 5 1968.

J U D G E

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) (has the ability to pay or a responsible relative has the ability to pay) under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and Inmate incompetent, and committed to the Tennessee Psychiatric Hospital & Research / Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 15.00 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER ENC 5 1000

PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Edward A. Coppage, Sr.
Mentally Ill Suspect

NO. 12811 L.D.

The hearing on this matter is set on August 5, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSELHonorable C. CLEVELAND DRENNON, JR., an attorney, is appointed
guardian ad litem and counsel for said suspect. This AUG 5 1968.*Danny J. Drennon*
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) (~~has the ability to pay or a responsible relative has the ability to pay~~) under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Memphis Veteran Hospital Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT 1 be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ 1000.

IT IS FURTHER ORDERED that a fee in the sum of \$ 1500 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER AUG 5 1968

Danny J. Drennon
PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Billy F. Shelly
Mentally Ill Suspect

NO. 10960 L.D.

The hearing on this matter is set on August 7, 1968 at 11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

G. A. Decker
Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable U. CLEVELAND DEERSON, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This AUG 7 1968.

J U ~~D~~ G E

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Western State Hospital Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and
is hereby appointed guardian of the person and the estate of said
person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 150 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER **AUG** 7 1968

PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Catherine B. Gray
Mentally Ill Suspect

NO. 12814 L.D.

The hearing on this matter is set on August 7, 1968 at
11:30 A.M. in the Probate Courtroom in the Shelby County Courthouse.

Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable C. CLEVELAND BRENNON, JR., an attorney, is appointed guardian ad litem and counsel for said suspect. This AUG 7 1968.

J V D G E

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:

(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person ~~(is an indigent person without anyone legally~~ liable) (has the ability to pay or a responsible relative has the ability to pay) under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and Institute incompetent, and committed to the Tennessee Psychiatric Hospital & Research/ Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED THAT _____ be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$ _____.

IT IS FURTHER ORDERED that a fee in the sum of \$ 15⁰⁰ be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER

Aug 7 1968

PROBATE JUDGE

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

Ruthie Mae B uirt
Mentally Ill Suspect

NO. 12406 L.D.

The hearing on this matter is set on August 7, 1968 at
11:30 A. M. in the Probate Courtroom in the Shelby County Courthouse.

Clerk

APPOINTMENT OF GUARDIAN AD LITEM AND COUNSEL

Honorable C. CLEVELAND BRENNON, JR., an attorney, is appointed
guardian ad litem and counsel for said suspect. This AUG 7 1968.

Dany. J. Patten
JUDGE

J U D G M E N T

This cause came on this day to be heard under the provisions of Chapter 38 of the Public Acts of 1965, the aforesaid person having been brought before the Court by proper process for inquiry and examination as to mental illness and competency; upon the testimony of witnesses, including at least one licensed physician, and the other proof;

From which it satisfactorily appears, and the Court doth find that:
(1) Said person is a citizen of the United States, has been a resident of Tennessee for twelve (12) months or more, and a resident of the county for sixty (60) days or more;

(2) Said person is mentally ill (not mentally retarded), and because of said illness, is likely to injure himself or herself, or others if not hospitalized, or is in need of custody, care, or treatment in a mental hospital, and should be committed to a hospital;

(3) Said person (is an indigent person without anyone legally liable) ~~(has the ability to pay or a responsible relative has the ability to pay)~~ under Chapter 38 of the Public Acts of 1965 for his or her maintenance.

(4) Said person is incompetent.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the said person be and is hereby declared and adjudged mentally ill and incompetent, and committed to the Tennessee Psychiatric Hospital & Research/Int Psychiatric Hospital for an indeterminate period, to be treated and dealt with in accordance with the law and the regulations of said institution.

IT IS FURTHER ORDERED/THAT be and is hereby appointed guardian of the person and the estate of said person upon filing bond in the penal sum of \$.

IT IS FURTHER ORDERED that a fee in the sum of \$ 15.00 be and is hereby allowed the said guardian ad litem and counsel as part of the Court costs herein.

A certified copy of this order and all papers upon which the same is based shall be delivered along with said mentally ill person to the Superintendent of said institution.

ENTER AUG 7 1968

Dany. J. Patten
PROBATE JUDGE

Mr. BLAKEY. These records indicate that it was a common practice for Mr. Drennon to be appointed both guardian ad litem and attorney for mental patients. In addition, the records indicate that it was a common practice to combine incompetency and commitment judgments in one order.

Ms. Walden was committed to Western State on July 31. Mr. Lane has argued that she was mistreated at the institution, so her mental condition would deteriorate and her credibility as a witness would be diminished.

At the time of Ms. Walden's commitment, Dr. James Druff was superintendent of Western State Mental Hospital, a position he held from 1967 to 1969.

It would be appropriate at this time, Mr. Chairman, to call Dr. Druff to discuss the care and treatment of Ms. Walden at Western State.

Chairman STOKES. The committee calls the doctor.

Will you stand and raise your right hand and be sworn, please?

Do you solemnly swear the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Dr. DRUFF. I do.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes Mr. Alan Hausman, staff counsel.

TESTIMONY OF JAMES H. DRUFF, M.D.

Mr. HAUSMAN. Thank you, Mr. Chairman.

Would you please state your name for the record?

Dr. DRUFF. James H. Druff, D-r-u-f-f.

Mr. HAUSMAN. Dr. Druff, are you appearing today pursuant to a congressional subpoena?

Dr. DRUFF. Pardon?

Mr. HAUSMAN. Are you appearing here today pursuant to a congressional subpoena?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. And you realize that you are testifying under oath and subject to the appropriate penalties for perjury?

Dr. DRUFF. I do.

Mr. HAUSMAN. What is your current address, sir?

Dr. DRUFF. 6614 Prince Edward Place, Memphis, Tenn.

Mr. HAUSMAN. Dr. Druff, would you move the microphone a little closer?

What is your date of birth?

Dr. DRUFF. October 21, 1919.

Mr. HAUSMAN. Where were you born?

Dr. DRUFF. Amsterdam, the Netherlands.

Mr. HAUSMAN. What is your current occupation?

Dr. DRUFF. I am chief psychiatrist at the Memphis VA Medical Center and professor of psychiatry at the University of Tennessee Center for the Health Sciences.

Mr. HAUSMAN. Where did you attend medical school?

Dr. DRUFF. I went to medical school in Amsterdam, the Netherlands.

Mr. HAUSMAN. When did you graduate?

Dr. DRUFF. In January of 1949.

Mr. HAUSMAN. Did you do any postgraduate work in the field of medicine?

Dr. DRUFF. I practiced general practice in the Netherlands until 1957 when, following the Russian intervention in Hungary, I decided that the time was to get out, and I came to the United States, where I did a year of internship at Franklin Square Hospital and then worked as junior staff physician at Western State Hospital in Staunton, Va., while preparing for State boards.

Following that, I had 3 years of training in psychiatry at the University of Virginia in Charlottesville, from 1959 until 1962.

In July of 1962 I returned to Western State Hospital as superintendent, where I remained as superintendent for 4 years—

Mr. HAUSMAN. Western State in Virginia?

Dr. DRUFF. That's correct, where I remained for 4 years, until November of 1966, when I became assistant commissioner in Tennessee.

Mr. HAUSMAN. So you had specialized training in psychiatry?

Dr. DRUFF. That's right. I am board certified in psychiatry.

Mr. HAUSMAN. Would you please explain what "board certification" means?

Dr. DRUFF. Board certification means that, at least at that time, after having practiced for 2 years postresidency, one has to take an examination in order to become certified in psychiatry; and I did that in 1964, 2 years after I was eligible.

Mr. HAUSMAN. In 1968 what position did you hold?

Dr. DRUFF. At that time I was superintendent of Western State Psychiatric Hospital in Bolivar, Tenn.

Mr. HAUSMAN. And when did you begin employment at Western State Psychiatric Hospital?

Dr. DRUFF. That must have been around June of 1967. I don't know the exact date.

Mr. HAUSMAN. How did you obtain that position?

Dr. DRUFF. I was assistant commissioner, as I mentioned. While I was in that position, Western State in Bolivar was undergoing all kinds of investigations by the press and by politicians in connection with the existing conditions there. You should remember that all this was very shortly after the final report of the Joint Commission on Mental Illness and Health, which denounced psychiatric practices across the Nation, and in view of the circumstances that were existing at Western State at that moment—the superintendent was in the hospital and it was not in good shape—the commissioner and the Governor asked me to go there and take over the superintendency and see if we could get the place in shape.

Mr. HAUSMAN. So in effect you were appointed to help clean up Western State?

Dr. DRUFF. That's right.

Mr. HAUSMAN. When did you leave Western State?

Dr. DRUFF. I left Western State in 1969, in September of 1969.

Mr. HAUSMAN. Under what circumstances did you leave?

Dr. DRUFF. I left because when I assumed the superintendency there were two assumptions that the Governor and the commissioner had agreed upon. One was that I could do away with the political patronage in employment, and the second one was that

the hospital would be supported better financially than it had been up to that point.

The first was completely fulfilled and I had been able to resist attempts at political patronage in the hospital during my superintendency.

The second one, however, at one point I needed \$80,000 from the State to get a large vocational rehabilitation with Federal support and they didn't want to give that, so I told them to look for somebody else; and I went to the VA, which was much better supported financially than the State system.

Mr. HAUSMAN. So in effect you left because of a disagreement over State financial support of the institution?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. During your more than 2-year tenure, as superintendent of Western State, did you ever allow political or other nonmedical considerations to interfere with your medical judgment?

Dr. DRUFF. No, at no time.

Mr. HAUSMAN. Did you ever meet Grace Walden, also known as Grace Stephens?

Dr. DRUFF. I clearly recall that at the request of Dr. Earl Ninow, who was superintendent of Western State Hospital in 1974, I, together with him, examined Grace Walden, who apparently at that time was asked to testify in the Earl Ray case.

I have not found in the records a report from Dr. Ninow. I did find a reference from one of the ward physicians that she was seen by Dr. Ninow and myself for that purpose.

Mr. HAUSMAN. What position were you holding at that time?

Dr. DRUFF. At that time I was coming on a regular basis, once every 2 weeks, to Western State Hospital as a consultant, and in that function I was asked to see Grace Walden, together with Dr. Ninow.

Mr. HAUSMAN. What was the result of your examination of her at that time?

Dr. DRUFF. At that time she was showing clear evidence of suffering from a chronic brain syndrome; she had impairment of memory and her judgment was severely impaired; and Dr. Ninow and I did not feel that she was competent to be a witness in whatever proceedings were to take place.

Mr. HAUSMAN. Doctor, have you been provided with a copy of Ms. Walden's medical records from Western State?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. Have you had an opportunity to review those medical records?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. Mr. Chairman, I believe at this time we should note that Ms. Walden's medical records from Western State Hospital are not being entered into the record because of concerns, which we are attempting to honor to the extent possible, about the confidential nature of those records.

Chairman STOKES. All right.

Mr. HAUSMAN. Dr. Druff, why was Grace Walden committed to Western State Hospital?

Dr. DRUFF. Because she was mentally ill and needed treatment.

Mr. HAUSMAN. Do you recall when that commitment occurred?

Dr. DRUFF. When it occurred?

Mr. HAUSMAN. Yes.

Dr. DRUFF. On July 31, 1968.

Mr. HAUSMAN. Where did she come from at the time of her commitment?

Dr. DRUFF. She came from the John Gaston, where she had been hospitalized for a short period of time prior to her commitment.

Mr. HAUSMAN. Was it in the normal course at that time for patients to be transferred from John Gaston to Western State if they were going to receive—

Dr. DRUFF. Perfectly normal. Western State served as the hospital for the overflow of the Tennessee Psychiatric Hospital and for patients who needed more long-term care.

One of the first things I did when I became superintendent was to establish 25-bed wards for the intensive evaluation and treatment of all newly admitted patients to prevent that anybody would get lost; and we also divided the hospital into geographical sections, so in the Clements Building, which was the newest building in Western State Hospital, there were a number of wards of 25 beds each, all staffed with our most competent physicians who would get the acute cases admitted; and Grace Walden was admitted to the unit where Dr. Peter Zuure, a licensed physician who had extensive experience in working with mental patients, was the staff physician.

Mr. HAUSMAN. In the normal course of the operation of Western State Hospital at that time, was it necessary for someone from the hospital to certify to a court that a commitment was justified?

Dr. DRUFF. No.

Mr. HAUSMAN. Did you personally ever treat Ms. Walden—

Dr. DRUFF. No.

Mr. HAUSMAN [continuing]. Other than your 1974 consultation?

Dr. DRUFF. No.

Mr. HAUSMAN. Who on your staff was treating Ms. Walden subsequent to her admission in 1968?

Dr. DRUFF. Initially, Dr. Zuure, who was in the intensive treatment area. She was treated there for a period of time and was evaluated and contacts were made with the outside to see if relatives could be located who would be interested in her. It appeared that the only relative who was a possibility was her 90-year-old father, who was in a nursing home. A social worker corresponded with him, and somebody else wrote back that he was in no condition to ever take her on.

There was an aunt who was out in California who was in no position to take her on either. She was considered ready for discharge about January of 1969.

Mr. HAUSMAN. We will get to that in a moment, Doctor.

Who else was assigned to treat, or did treat, her during the course of your superintendency?

Dr. DRUFF. Later, when she had been in for a period of several months, in order to make room for newly admitted cases who had to be evaluated in the intensive treatment area, she was transferred to a more long-term section of the hospital where, again, we had, in order to make sure that cases would not get lost, we were

in the practice of initially having an evaluation staff after a couple of days, then a diagnostic staff after 2 weeks, and then the date had to be set for the next evaluation staff. So in the long-term area Dr. Tony Rubio was in charge of the restaffing of Grace Walden. Dr. Antonio Rubio was a qualified psychiatrist who was with me in the residency program at Charlottesville and had worked with me, as had Dr. Zuure, in Western State in Staunton.

Mr. HAUSMAN. Are there any other physicians who treated Ms. Walden while you were there?

Dr. DRUFF. Yes; over the years since that time a number of physicians have treated her. During my superintendency only Dr. Gradwohl saw her on one occasion, according to the doctor.

Mr. HAUSMAN. Dr. Gradwohl?

Dr. DRUFF. Dr. Gradwohl is deceased. He was an internist who had been in private practice in New York City for a long time and after he had retired he worked for a period of time at Western State Hospital.

Mr. HAUSMAN. Were you knowledgeable about the level of professional skill of Dr. Zuure, Dr. Rubio and Dr. Gradwohl?

Dr. DRUFF. Yes, I was.

Mr. HAUSMAN. In your opinion, what was the level of their skill?

Dr. DRUFF. They all were perfectly qualified and competent.

Mr. HAUSMAN. Did you then, and do you now, have complete faith in their sound medical judgment?

Dr. DRUFF. Yes, sir; no doubt in my mind.

Mr. HAUSMAN. What was the diagnosis of those doctors who actually treated Ms. Walden when she entered the hospital?

Dr. DRUFF. The diagnosis was that she was suffering from a chronic brain syndrome, initially with a psychotic reaction, but later the psychotic reaction subsided and what was left over was the evidence of chronic brain syndrome.

The chronic brain syndrome, by the way, is excellently substantiated by psychological examination by Dr. Berryman who was the only Ph.D. psychologist we had in the hospital at the time, and an eminent one, and that is part of the record, and she was seen by him in 1970. I don't know what the occasion was, but in all probability in connection with the possibility of her court appearance as a witness.

He wanted to document in detail through psychological testing what her actual condition was, and that is an excellent report which in summary says that both the intellectual and personality features—

Mr. HAUSMAN. Doctor, that document is not in the record.

Dr. DRUFF. Oh.

Mr. HAUSMAN. Prior to diagnosis of organic brain syndrome, did she have a preliminary diagnosis of schizophrenia?

Dr. DRUFF. No, she did not. She did not have a primary diagnosis of schizophrenia. The diagnosis of undifferentiated schizophrenia was entered into her case somewhere around 1971 by a physician who, I am sorry to say, had the habit of diagnosing practically everybody that way, and that diagnosis was perpetuated by some nonpsychiatrically trained physicians; but all psychiatrists or physicians knowledgeable in psychiatry who have seen her agreed on the diagnosis of chronic brain syndrome and not schizophrenia.

Mr. HAUSMAN. So the chronic brain syndrome was the diagnosis that she received shortly after her admission?

Dr. DRUFF. That's correct. That was the original diagnosis in the first diagnostic staff conference, and why that was changed later is not clear to me.

Mr. HAUSMAN. Could you please define in layman's terms the meaning of that condition and what the symptomology is?

Dr. DRUFF. A chronic brain syndrome really is the result of damage to the brain and the result of that damage to the brain is evident according to the areas of the brain that have been damaged.

In her case it was more of a diffused damage, with the result that all her intellectual functions had gone down from what, according to the testing, they had been previously and that especially her judgment, insight and her memory were severely impaired.

Also, her initiative and drive was down to the point that in going through the records I can see only one instance in 1975 that she mentioned that she was interested in leaving the hospital.

Mr. HAUSMAN. At the time that you were superintendent at Western State, what was the prognosis of Ms. Walden?

Dr. DRUFF. Guarded. At best, Ms. Walden had a tremendously long record of alcoholism, which goes back to around 1942, and her police record is impressive. She had been arrested numerous times for being under the influence and it was clear that her long history of drinking had impaired her mental function to the point that it really would only be possible for her to live on the outside if good supervision was available.

Now, the acute brain syndrome that she suffered from when she came in—as you recall, she was suffering from hallucination; she was hearing voices and she was seeing things that weren't there, and she had some delusional material—the acute brain syndrome subsided relatively soon. The chronic brain syndrome was irreversible and really necessitated that living on the outside should be in situations where she was closely supervised.

Mr. HAUSMAN. While you were superintendent of Western State, was she receiving the standard treatment for people suffering from her condition?

Dr. DRUFF. Yes, sir, even to the point that I cannot recall that I was aware that she was in the hospital, that she was connected with the Martin Luther King murder.

Mr. HAUSMAN. Well, was her treatment within acceptable standards of practice of medical and psychiatric treatment then prevailing?

Dr. DRUFF. Yes. I have gone through the record and I have no criticism there.

Mr. HAUSMAN. Do you recall whether she was receiving any therapy at that time?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. What type of therapy was that?

Dr. DRUFF. She was receiving medication in the first place to get her psychotic symptomology under control, that is, antipsychotic medication. She was receiving some medication for her depressive symptoms and she was receiving some medication to prevent that she would get withdrawal, epileptic seizures, which one frequently

sees in individuals who have a long history of drinking and abruptly stop.

Mr. HAUSMAN. In particular, was she receiving the drugs, Mellaril, Trilafon, and Prolixin.

Dr. DRUFF. That's correct.

Mr. HAUSMAN. What are those drugs classified as?

Dr. DRUFF. Initially, she was put on Prolixin, by mouth. Now Prolixin twice a day, 2½ milligrams, which is very low dose and very appropriate, I would say, in her case because people suffering from brain syndrome tend to respond to medication much more sensitively than schizophrenic patients. So she was put on very low dose of a nonsedative or relatively little sedation causing antipsychotic drug.

I would assume that the 100 milligrams of Mellaril which she received at night was added to that to get the sedative effect of the Mellaril, which is an antipsychotic drug also, and which seems quite appropriate, to me.

In addition to that, she received vitamins, high protein diet and she received some Elavil, which is a tricyclic antidepressant, which was quite appropriate. Tricyclic simply refers to the chemical structure of the drug.

Mr. HAUSMAN. Was she also receiving phenobarbital at that time?

Dr. DRUFF. Phenobarbital was intended to hold down the tendency to seizure.

Mr. HAUSMAN. The seizure might have been caused by what?

Dr. DRUFF. Withdrawal from alcohol. Alcohol is a depressant of the central nervous system and what one tends to see upon acute withdrawal of central nervous system depressants is a rebound of the central nervous system, so one may see fits, and seizures are common in withdrawal from alcoholic bouts.

Mr. HAUSMAN. Was she receiving any other drugs at the time she was in the hospital while you were superintendent?

Dr. DRUFF. Not that I recall.

Mr. HAUSMAN. Were the prescriptions and dosages she was receiving within the normal range?

Dr. DRUFF. Yes.

Mr. HAUSMAN. For those conditions?

Dr. DRUFF. Entirely; if anything, on the low side.

Mr. HAUSMAN. Dosage levels, on the low side?

Dr. DRUFF. Yes.

Mr. HAUSMAN. Was there anything in those drugs that you consider mind crippling in any way?

Dr. DRUFF. Not at all.

Mr. HAUSMAN. Or dangerous?

Dr. DRUFF. Not at all. On the contrary, it was intended to clear her confusion and to help her to function better.

Mr. HAUSMAN. Were the combinations of drugs being administered back in 1968 and 1969, within the accepted practice of medical and psychiatric treatment at that time?

Dr. DRUFF. Completely.

Mr. HAUSMAN. In your review of Ms. Walden's medical records, did you notice any unusual or irregular entries, anything that caught your attention in particular?

Dr. DRUFF. Nothing that really caught my attention. I think that she received quite adequate treatment and that she had all the attention that she needed over the years. She is an example of patients whose stay in State hospitals is prolonged because of the fact that there is no supporting community system for cases like this.

Mr. HAUSMAN. Was she receiving any therapy other than drugs after she entered Western State?

Dr. DRUFF. Oh, yes, she participated in occupational therapy. She participated in industrial therapy which we started in the hospital. She even made some money there for her personal use, and she also had opportunity to go out on outings, went to plays in Jackson, and things like that.

Mr. HAUSMAN. In your opinion was Ms. Walden competent?

Dr. DRUFF. The question of competency always has to be clarified with "for what?" She was competent to dress herself. Competent for what? She was not competent to be a witness in a trial, I do not feel, because her mental capacity was that much impaired that it would be extremely difficult to determine whether her testimony was confabulation, that is, filling in of memory gaps with made-up stuff, or whether her testimony might be mixed with hallucinatory experiences that she might have had at the time.

Remember that in July she came in fully hallucinating, so, competent to function as a witness, Dr. Ninow and I felt in 1974 that she wasn't, and she certainly was not at the time that she was in the hospital during my superintendency.

Mr. HAUSMAN. Was she competent to live on her own without appropriate outside support?

Dr. DRUFF. I would seriously doubt that. My guess would be that she would have gone back to her old pattern of drinking and prostitution and living on the fringe of society.

Mr. HAUSMAN. While she was in the institution, while you were superintendent, did Ms. Walden suffer from memory loss?

Dr. DRUFF. Yes, sir, and she has suffered from memory loss through the years, and still is.

Mr. HAUSMAN. Has she suffered from hallucinations?

Dr. DRUFF. Yes; she has, initially.

Mr. HAUSMAN. Initially, when she first came in?

Dr. DRUFF. When she first came in, and that was the acute brain syndrome that she had following her heavy drinking, but later on when she was in the protected atmosphere of the hospital the acute brain syndrome disappeared and there is no evidence in the record that later on she suffered from hallucinations.

Mr. HAUSMAN. Was she suffering from delusions when she initially came to the hospital?

Dr. DRUFF. She was, although the entries really are not very clear on that.

As evidence of delusion, at some places it is mentioned that she stated that she had a master's in English, while the record said that she only had a fifth-grade education; but I don't know what is really the truth there. She obviously was a well read woman and she had a pretty good education. We never have been able to get a good, objective social history, and the history that she would give would change from time to time.

My own guess would be that after high school she indeed did have some college, but I doubt very much that she had a master's, and I would not necessarily call that delusional; it would more be in the area of making up some story. A delusion is a fixed false belief, and I have not seen any real statements in the record that she held those.

Mr. HAUSMAN. Did she suffer from suicidal tendencies?

Dr. DRUFF. That is correct. She had had some suicidal episodes before she came to the hospital and through the years that she was in the hospital there are several entries that indicate that she said that life wasn't worth living and that she was planning to do away with herself.

Mr. HAUSMAN. In your opinion, did her condition improve while you were superintendent at Western State?

Dr. DRUFF. Yes, clearly, because attempts were made to get her out of the hospital in January of 1969.

Mr. HAUSMAN. How was that improvement evidenced?

Dr. DRUFF. The evidence is letters from social service—

Mr. HAUSMAN. No; not attempts to get her out. How was her improvement evidenced?

Dr. DRUFF. Hallucinations had disappeared, that her acute psychotic brain syndrome had disappeared, and what was left over was chronic brain syndrome with loss of judgment and memory, and what have you, but with that an individual properly supervised could function quite well on the outside.

Mr. HAUSMAN. Did Ms. Walden—or Ms. Stephens—ever speak to you about the Martin Luther King assassination?

Dr. DRUFF. No.

Mr. HAUSMAN. Did she ever make any statements to you about her common law husband, Charles Stephens?

Dr. DRUFF. I don't recall in detail what we discussed in the evaluation in 1974. Mind you, I wasn't even aware of her being in the hospital while I was superintendent; it was never brought to my attention. There were no outside calls about her so I had no reason to really see her.

In 1974 I do not think that we touched on the King assassination at all because that was not the goal of that particular interview. The goal of that particular interview was to determine whether her mental capacities were such that she could be a witness; but the incident itself we didn't talk about, and we may have talked about her common law husband Stephens, but I do not recall that.

Mr. HAUSMAN. Do you recall her making any statements to you about James Earl Ray?

Dr. DRUFF. No.

Mr. HAUSMAN. Any statements about her having seen Dr. King's murderer?

Dr. DRUFF. No; I don't recall that at all.

Mr. HAUSMAN. While you were superintendent of Western State were there any attempts made to have Ms. Walden discharged or released?

Dr. DRUFF. To have her discharged or released by the staff? Yes; there were several. We did an extensive investigation of her relatives and we tried to find an outside support system and discharge her.

Mr. HAUSMAN. Dr. Druff, do you know a Mrs. Floy Carlin?

Dr. DRUFF. Yes; she was a social worker at the time in the hospital.

Mr. HAUSMAN. "At the time" being 1968 and 1969?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. And she would have had some dealing with Ms. Walden's situation?

Dr. DRUFF. Yes; she was a social worker on that particular unit.

Mr. HAUSMAN. Mr. Chairman, at this time it would be appropriate to have three letters entered into the record. They have been premarked as MLK exhibits F-330, F-331, and F-332.

Chairman STOKES. Without objection, they may be entered into the record at this time.

[The information follows:]

October 1, 1968

Miss Nancy Hickson
918 S. Manhattan Place, Apt. 305
Los Angeles, California

Re: Grace E. Walden, (alias) Grace E. Stephen
Our Register #42,687

Dear Miss Hickson:

This will acknowledge your letter of September 20, 1968 regarding your aunt, the above named patient.

Her mental condition has not changed considerably in recent weeks. She is alert, co-operative on the ward, and well oriented. She shows no evidence of psychosis.

Her prognosis has to be considered guarded due to her numerous hospitalizations and her long history of alcoholism.

She is apparently in good physical condition. Routine laboratory studies and x-rays are normal. She is eating and sleeping well.

We appreciate your interest in your aunt, and invite you to confer with us at any time.

Truly yours,

James H. Druff, M. D.
Superintendent

Rene Leonard, M. D.
Staff Physician

EL/uk

MLK EXHIBIT F-330

January 13, 1969

March 31, 1969

Mr. James A. Hays
Court Street
Paragould, Arkansas

Re: Grace Walden

Dear Sir:

Your daughter has improved and is ready to discharge her.

You may come for her at your convenience, however, it would be helpful if you could let us know when you would be here to get her.

We shall look forward to hearing from you very soon.

Very truly yours,

(Mrs.) Floy Carlin,
Social Worker

FC:m

Mrs. Nancy Lou Hickson
Paragould
Arkansas

Re: Grace Walden

Dear Mrs. Hickson:

Your aunt has improved and is now ready to be discharged.

We wonder if you are in a position to make plans for her to return to your community as she has expressed a desire to do so.

We are aware her father is in a nursing home there and she would like to be near him.

We shall appreciate hearing from you very soon regarding this matter.

Very truly yours,

(Mrs.) Floy Carlin
Social Worker

FC:m

Mr. HAUSMAN. And I would ask that copies of those exhibits be given to the witness, thank you.

Dr. DRUFF, I would ask that you look at those exhibits and tell me if they look familiar to you?

Dr. DRUFF. I have seen them.

Mr. HAUSMAN. Will you read exhibit 330?

Dr. DRUFF. Yes.

Mr. HAUSMAN. Would you read it out loud?

Dr. DRUFF. This is a letter to Miss Nancy Hickson in Los Angeles, Calif., in reference to Grace H. Walden, alias Grace H. Stephens.

DEAR MISS HICKSON: This will acknowledge your letter of September 20, 1968, regarding your aunt, the above-named patient.

Her mental condition has not changed considerably in recent weeks. She is alert, co-operative on the ward, and well oriented. She shows no evidence of psychosis.

Her prognosis has to be considered guarded due to her numerous hospitalizations and her long history of alcoholism.

She is apparently in good physical condition. Routine lab studies and X-rays are normal. She is eating and sleeping well.

We appreciate your interest in your aunt, and invite you to confer with us at any time.

Mr. HAUSMAN. And the signature block?

Dr. DRUFF. This was signed by the staff physician, Dr. Leonard, over my signature.

Mr. HAUSMAN. OK. Would you please read MLK exhibit F-331?

Dr. DRUFF. Exhibit 331 is to Mr. James A. Hayes, Court Street, Paragould, Ark.

DEAR SIR: Your daughter has improved and we are ready to discharge her.

You may come for her at your convenience, however, it would be helpful if you could let us know when you would be here to get her.

We shall look forward to hearing from you very soon.

Very truly yours.

Signed by Floy Carlin, Social Worker, and it is dated January 13 of 1969.

Mr. HAUSMAN. And could you please read MLK Exhibit F-332?

Dr. DRUFF. Exhibit 332 is again to Mrs. Nancy Lou Hickson.

DEAR MRS. HICKSON:

That is March 31, 1969.

Your aunt has improved and is now ready to be discharged.

We wonder if you are in a position to make plans for her to return to your community as she has expressed a desire to do so.

We are aware her father is in a nursing home there and she would like to be near him.

We shall appreciate hearing from you very soon regarding this matter.

There is a comment—that was signed by Floy Carlin again—social worker—there is a comment that I would like to make in connection with the letter to the father.

I have seen in the record a letter that was received—

Mr. HAUSMAN. We will get to that in a moment.

Dr. DRUFF. OK.

Mr. HAUSMAN. Do these letters—I believe the first one is dated October 1, 1968, the second is dated January 13, 1968—

Dr. DRUFF. That's correct; MLK F-330 is dated October 1, 1968.

Mr. HAUSMAN. And MLK F-332 is March 31, 1969?

Dr. DRUFF. Yes.

Mr. HAUSMAN. Do these evidence an attempt by the institution at that time to see that Ms. Walden was discharged if she could find appropriate outside support?

Dr. DRUFF. Yes; most certainly.

Mr. HAUSMAN. Was she, in fact, discharged?

Dr. DRUFF. She was not discharged because no relative was in the position to take her.

Mr. HAUSMAN. Mr. Chairman, at this time it would be appropriate to have two other letters entered into the record. They have been premarked as MLK exhibits F-333 and F-334.

I would also ask that the witness be provided with copies of those letters.

Chairman STOKES. Without objection, they may be entered into the record.

[The information follows:]

L.V. RHINE
H. C. RHINE

LAW OFFICES OF
RHINE & RHINE
RHINE BROS. LAW AND TITLE BLDG.
PARAGOULD, ARKANSAS 72450
TELEPHONE CEDAR 6-7873

January 23, 1969

Western State Psychiatric Hospital
Western State Hospital, Tennessee
Bolivar, Tennessee 38074

Attention: Mrs. Floy Carlin

Re: Grace Walden

Dear Mrs. Carlin:

This will acknowledge receipt of your letter addressed to Mr. James A. Hayes under date of January 13, 1969 in the matter of Grace Walden. Mr. Hayes has asked us to answer this letter for him. Grace Walden is his daughter. Mr. Hayes has been confined to a local nursing home for several months. He has closed his home in Paragould and is not able to care for himself.

Mr. Hayes is past 90 years of age. He is very alert mentally but because of bad eyesight and other infirmities, he is unable to leave the nursing home without help. It would be impossible for Mr. Hayes to come after his daughter or look after her if she were in Paragould.

There is no other member of Mr. Hayes' family that I could refer you that would be able to help Grace. The writer of this letter is a close personal friend of Mr. Hayes, and I know that Mr. Hayes is in no position to give any assistance to his daughter.

Very truly yours,

RHINE & RHINE

By: *L.V. Rhine*

LVR/pal

*rec'd 1/24/69
answered R*

MLK EXHIBIT F-333

January 28, 1969

Mr. L. V. Rhine
Rhine and Rhine
Rhine Bros. Law and Title Bldg.
Paragould, Arkansas 72450

Re: Grace Walden

Dear Mr. Rhine:

This is to acknowledge your answer to our letter to Mr. Hayes and to express our appreciation to you. This will help us in working with and planning for our patient in the future.

If we can be of service to you, please let us know.

Very truly yours,

(Mrs.) Floy Carlin
Social Worker

FC:am

MLK EXHIBIT F-334

Mr. HAUSMAN. Thank you, Mr. Chairman.

Dr. Druff, would you please read what is marked as MLK F-333, the January 23 letter?

Dr. DRUFF. That is a letter to Western State Psychiatric Hospital, Attention: Mrs. Floy Carlin, in reference to Grace Walden, signed by Rhine & Rhine, L. V. Rhine.

DEAR MRS. CARLIN: This will acknowledge receipt of your letter addressed to Mr. James A. Hayes under date of January 13, 1969 in the matter of Grace Walden. Mr. Hayes has asked us to answer this letter for him. Grace Walden is his daughter. Mr. Hayes has been confined to a local nursing home for several months. He has closed his home in Paragould and is not able to care for himself.

Mr. Hayes is past 90 years of age. He is very alert mentally but because of bad eyesight and other infirmities, he is unable to leave the nursing home without help. It would be impossible for Mr. Hayes to come after his daughter or look after her if she were in Paragould.

There is no other member of Mr. Hayes' family that I could refer you that would be able to help Grace. The writer of this letter is a close personal friend of Mr. Hayes, and I know that Mr. Hayes is in no position to give any assistance to his daughter.

This is from the law offices of Rhine & Rhine in Paragould, Ark.

Mr. HAUSMAN. Dr. Druff, this letter was written in response to the letter of January 13, MLK exhibit F-331; is that not correct?

Dr. DRUFF. That's correct.

Mr. HAUSMAN. And did MLK exhibit F-333, the letter you just read, answer the institution's attempt to have Ms. Walden transferred out of the institution at that time?

Dr. DRUFF. I would say without any doubt.

Mr. HAUSMAN. Was the reason she was not discharged in January of 1969 because her father was unable to care for her?

Dr. DRUFF. Yes; she was not discharged out of humanitarian reasons. She had no place to go and no source of income, and her mental condition was such that she could not support herself and the situation is not so yet that we have enough supporting community services for patients of this kind.

The trend at the moment is to discharge them all and to dump them on the community, but we didn't feel that that was the right thing to do.

Mr. HAUSMAN. Would you please look at MLK exhibit F-334, the January 28 letter?

Dr. DRUFF. Yes.

Mr. HAUSMAN. Would you please read that?

Dr. DRUFF. That is a letter from Floy Carlin, social worker, again, to Mr. L. V. Rhine, Rhine & Rhine:

DEAR MR. RHINE: This is to acknowledge your answer to our letter to Mr. Hayes and to express our appreciation to you. This will help us in working with and planning for our patient in the future.

If we can be of service to you, please let us know.

That is January 28, 1969.

Mr. HAUSMAN. So a decision was made not to discharge Ms. Walden at that time because there was no place to send her?

Dr. DRUFF. That is correct.

Mr. HAUSMAN. Even though Western State was willing to have her discharged?

Dr. DRUFF. Yes.

Mr. HAUSMAN. Were all decisions not to release or discharge Ms. Walden in 1968 and 1969 while you were at Western State based on purely medical judgments?

Dr. DRUFF. Completely. There was no other factor that entered into it at all.

Mr. HAUSMAN. And those judgments were?

Dr. DRUFF. Medical, that she was not in a condition to take care of herself on the outside, and that there was no supporting system to supervise her.

Mr. HAUSMAN. Dr. Druff, were you personally, or to your knowledge anyone on your staff, ever contacted by any outside authority, including any Federal, State or county officials, such as people from the FBI, the Department of Justice, Memphis Police Department, Shelby County sheriff's office, or Shelby County district attorney's office, concerning the commitment or retention of Ms. Walden at Western State?

Dr. DRUFF. At no time.

Mr. HAUSMAN. Do you personally know of any official pressure, suggestions or influence whatsoever exerted in an attempt to keep Ms. Walden from being discharged or released from Western State?

Dr. DRUFF. None whatsoever.

Mr. HAUSMAN. Do you personally know of any effort, official or otherwise, to keep Ms. Walden silent about this case?

Dr. DRUFF. No; in no way.

Mr. HAUSMAN. Dr. Druff, to your knowledge, were all decisions in Ms. Walden's case based upon purely medical grounds?

Dr. DRUFF. That is correct.

Mr. HAUSMAN. At this time I have no further questions, Mr. Chairman.

Chairman STOKES. The Chair recognizes the gentleman from Indiana, Mr. Fithian, for such time as he may consume.

Mr. FITHIAN. Thank you, Mr. Chairman.

Dr. Druff, I understood you to say that Grace Walden Stephens was able to be released in January of 1969 if she had someone to take care of her; is that correct?

Dr. DRUFF. That is correct; yes, sir.

Mr. FITHIAN. Do I further understand that that was because what you call her acute psychotic brain syndrome had subsided in that relatively few months that she was there?

Dr. DRUFF. That's correct.

Mr. FITHIAN. I wasn't sure that I understood as a layman what the continuing condition meant. You said that her—I believe you used the term—"chronic psychotic brain syndrome"?

Dr. DRUFF. No, no, not psychotic. "Psychosis" is a condition where a person has certain experiences that are real to them but not to others. She had those when she came in. She was hallucinating, but that disappeared and that was the acute phase of her brain syndrome.

When a person drinks too much alcohol and he gets drunk, then he has an acute brain syndrome, but symptoms of that disappear rapidly, and in her case they disappeared rapidly also. That was anticipated when she was admitted, and at that time it was felt that she needed hospitalization of approximately 3 months at the most.

Mr. FITHIAN. You said that the chronic brain syndrome was irreversible?

Dr. DRUFF. That is correct. That is a definition of chronic brain syndrome, that it is irreversible. The difference between an acute brain syndrome and a chronic brain syndrome is that in an acute brain syndrome the symptoms will be reversible, but in the chronic brain syndrome, symptoms are permanent. So she had a combination of both.

Mr. FITHIAN. Now, in the interview in 1974 it was your medical judgment that because of this chronic brain syndrome that the basic question of her interview, that is, was she a competent witness, was answered in the negative?

Dr. DRUFF. That's correct.

Mr. FITHIAN. And you used a term indicating a person's tendency to fill in the gaps of memory with imagination or something?

Dr. DRUFF. Confabulations.

Mr. FITHIAN. What?

Dr. DRUFF. Confabulations. That's a certain syndrome in a chronic brain syndrome secondary to alcoholism. It is called Korsakoff syndrome and it is characterized by the tendency on the part of the patient to fill in the considerable gaps in memory, the loss of memory that they may have, with stories made up, and that's what the term "confabulations" means.

Mr. FITHIAN. In your profession is this condition fairly readily diagnosed?

Dr. DRUFF. Yes; I would say that if a patient shows all kinds of stories where you have absolute evidence that they are incorrect, then it is very readily diagnosed. There is no evidence in the record, by the way, that Grace Walden had a tendency to do that. The condition is mentioned as a possibility in one of the early diagnostic evaluations, but I have not seen any evidence in the record that she really was in the habit of making up for gaps in her memory by stories; but it is a possibility in an alcoholic brain syndrome. That is not unusual at all.

Mr. FITHIAN. I am a little unclear then with that statement as to how that matched up with the findings or your achievement or nonachievement of the goal of the 1974 interview as to whether or not she was competent as a witness.

Dr. DRUFF. Whether or not she was competent, or as a witness, was determined by her intellectual capabilities at that time. She showed severe loss of memory, especially her disorientation in time was severe. She was as a rule properly oriented in person and place. She knew where she was and she knew that she was talking to the superintendent, being attended, but, for instance, she would say that she had been in Western State Hospital for 1 year, while she had been there for many more years, and would be completely mixed up on dates.

Mr. FITHIAN. Well, I just want to clarify one more thing or make one more try at clarification here before I yield back my time to the Chair.

Did you say in 1974 that she did, or did not, have a tendency to fill in the gaps?

Dr. DRUFF. She did not. She did not.

Mr. FITHIAN. But you did say in 1974 that you did not think she was competent to be a witness?

Dr. DRUFF. That's correct, that she had severe impairment of judgment, of memory and evidence of chronic brain syndrome to the degree that she would really not be considered a competent witness.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. PREYER [presiding]. Are there further questions from members of the panel? If not, Dr. Druff, at the conclusion of a witness' testimony the witness is entitled to make a statement of 5 minutes if he chooses concerning any aspect of his testimony, and we will offer you that opportunity at this time if you wish to avail yourself of it.

Dr. DRUFF. I appreciate the opportunity, but I do not think that I have anything substantial to offer to my testimony.

Mr. PREYER. Very well. Thank you very much, Dr. Druff, for being with us today, and the committee will excuse you at this time.

Dr. DRUFF. Thank you very much.

Mr. PREYER. The Chair recognizes Mr. Blakey for further narration.

**NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL
AND STAFF DIRECTOR**

Mr. BLAKEY. Thank you, Mr. Chairman.

Renfro Hays, an investigator for Ray's original attorney, Arthur Hanes, Sr., interviewed Ms. Walden at Western State Hospital on November 5, 1968. He claimed she told him that on the day of the assassination she heard a shot that echoed in the arcade outside her window, then saw a man leave the bathroom. She described him, according to Hays, as in his fifties, short, small boned, with salt and pepper hair. He was wearing a plaid shirt, khaki Army jacket and dark pants, and he was carrying a long object in his right hand.

Ms. Walden also said in a statement to Hays that her husband, Charles Stephens, was with her in Room 6B, that he had not had much to drink that day and that he might also have seen the man. But her description differed from that of Charles Stephens, in that the man she described bore no resemblance to James Earl Ray.

Mr. Chairman, it would be appropriate at this time to enter into the record Martin Luther King exhibit F-335.

Mr. PREYER. MLK exhibit F-335 is ordered admitted into the record at this point.

[The information follows:]

Nov 5, 1968

My name is James Hays Walden and at this time I am a patient in a hospital. I was living at 4224 S. Main, Memphis, Tenn on 4 April 1968. I was living in the apartment next to the bathroom at that address. I was ill at that time. During that afternoon, before 6 o'clock, I heard the man in the room next to me go to the bathroom several times and try to get in, but evidently the door was locked.

At about 6 o'clock I heard a shot. I cannot tell where the shot came from. I know it echoed in the arcade outside my window. At this time Charles Stephens was in the kitchen fixing a radio.

Right after the shot a man left the bathroom and went down the hall and down the steps to main street. I saw this man as he passed the door of my room.

My best guess of the man's age was in his 50's. This man was not quite as tall as I am. He was small bone built.

He had on an army colored hunting jacket unfastened and dark pants. He had on a plaid sport shirt. His hair was salt and pepper colored. He had something long in his right hand but I cannot say what it was. Charles was still in the kitchen then but he got to the door by the time the man had gotten to the head of the stairs end of page one
James Hays Walden Medical Center of Tennessee
Superior

Statement of Grace Hugo Walker Page two
 Charles Stephen went on out in the hall
 and looked down the hall. In about
 two minutes Charles came back in the room.
 We heard discussing at the motel but
 it was quite some time before anyone
 came up to our room.

Newspaper reporter came up to our
 room before the police came. Around
 10 p.m. the police came and we went down
 to Police Headquarters. I believe I gave
 a statement to Inspector Zachary. His
 statement was more than one page.
 Charles Stephen had not had much to
 drink that day. He was drinking dark
 port wine. With two or three days
 after this a London Newspaper man
 gave Charles some money for his story.
 He gave him more than one bill. Someone
 else gave him a single bill. I have
 read this statement of one and two/thirds
 pages and it is true to the best of
 my knowledge and belief. I have not
 been promised any reward or threatened
 in any way.

Grace Hugo Stephen

Witness Dorothy Strouch
 Supr.

Mr. BLAKEY. It might be useful here, Mr. Chairman, to take time to examine briefly the role of Renfro Hays in the investigation of the death of Dr. King.

Ray hired Birmingham attorney Hanes to represent him shortly after his June 1968, arrest in London. Hanes, in turn, hired Hays as a defense investigator. Five days after Hays interviewed Grace Walden Stephens at Western State Hospital, on November 10, 1968, Ray fired Hanes, thus terminating Hays' employment as an investigator.

The committee will also recall from the testimony last August that Renfro Hays persuaded Coy Dean Cowden and Thomas I. Wilson to say they had seen Ray at a Memphis service station at the time Dr. King was shot. Then, in August, Mr. Cowden testified he had made a false statement, as a favor to Hays. Cowden was, in fact, in Texas at the time of the assassination.

Thomas I. Wilson was actually at a Memphis shoe store managed by his friend, Harold Locke, when the shot was fired. Mark Lane, in his Code Name "Zorro", used the rigged accounts by Cowden and Thomas to support Ray's alibi that he was at a service station at the time of the shooting.

In the light of Mr. Hays' performance in manufacturing evidence, the statement he took from Ms. Walden raises serious questions about its credibility.

On the other hand, Ms. Dorothy Trawick, a supervising nurse at Western State Hospital for the past 19 years, witnessed Ms. Walden's statement to Hays.

Ms. Trawick has told the committee that Ms. Walden's statement was not only given voluntarily but that she had heard Ms. Walden on a number of occasions, before and after November 5, relate a similar account of the day of Dr. King's assassination.

According to Ms. Trawick, after seeing newspaper articles or television programs concerning the killing of Dr. King, Walden would launch into a rambling narrative. She would explain that she had been in the rooming house with Charles Stephens all that day and that she tried to get into the bathroom just before the shot was fired, but the door was locked. Ms. Walden also told Ms. Trawick that she saw a man running along the hall, carrying a bundle, after the shot was fired.

The substance of Ms. Walden's statement to Mr. Hays was published in the October 1969 edition of *Saga* magazine and reprinted in the April 1976 issue.

The ultimate judgment of the credibility of Ms. Walden's first statement, therefore, rests in choosing in part between Mr. Hays and Ms. Trawick and lies within the committee's province.

In connection with his allegation of Ms. Walden's mistreatment at Western State Hospital, Mr. Lane relates in his "Code Name 'Zorro'", charges made by her former lawyer, Charles M. Murphy.

* * * after Ms. Stephens was illegally placed in the mental institution, the Memphis prosecutors removed her records from the hospital * * *.

Murphy also charged that his client had no history of mental illness and that she was able to care for herself. He said the Memphis prosecuting attorneys committed her to safeguard their case against Ray * * *.

In 1970, Lane wrote, attorney Murphy was "struck by the evident deterioration of his client," Ms. Walden. Mr. Lane continued:

He—that is, Murphy—said that a doctor at the mental institution had said in January 1969, two months before the Ray case came to trial, that her condition did not warrant commitment and that she should be released. Despite the evaluation of the institution's psychiatrist that her condition would "decline and deteriorate" if she was not released at the time of the evaluation in 1969, she was not released.

In 1971, Bernard Fensterwald, as defense attorney for Ray, learned of Ms. Walden's account to Renfro Hays. Fensterwald immediately filed a habeas corpus petition for her release from Western State Hospital. Charles M. Murphy was the Tennessee attorney who handled the action. Although the hospital was, in fact, apparently willing to release Ms. Walden at that time, the proceeding was dropped.

To testify about the confinement of Ms. Walden, it would be appropriate at this time, Mr. Chairman, to call Dr. Jack C. Neale III, the doctor who succeeded Dr. Druff as superintendent of Western State Hospital.

Mr. PREYER. The committee calls Dr. Jack C. Neale III.

Dr. Neale, will you be sworn?

Do you solemnly swear that the evidence you are about to give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. HEALE. I do.

Mr. PREYER. Thank you, sir.

The committee recognizes counsel, Jeremy Akers, for questioning.

Mr. AKERS. Dr. Neale, would you state your name for the record, please?

TESTIMONY OF DR. JACK C. NEALE III

Dr. NEALE. Jack C. Neale III, M.D.

Mr. AKERS. What is your present address, Dr. Neale?

Dr. NEALE. Suite 502, 2112 North Roan Street, Johnson City, Tenn.

Mr. AKERS. Dr. Neale, you are appearing today before this committee pursuant to a congressional subpoena, are you not?

Dr. NEALE. I am.

Mr. AKERS. Well, then, Doctor, I would remind you that you are under oath and that if you should fail to tell the truth and the entire truth you could subject yourself to criminal prosecution for perjury, for obstruction of a congressional investigation. Do you understand that?

Dr. NEALE. I understand.

Mr. AKERS. What is your date of birth, Dr. Neale?

Dr. NEALE. January 25, 1938.

Mr. AKERS. What is your current occupation?

Dr. NEALE. I am a physician and I have specialized in psychiatry.

Mr. AKERS. Dr. Neale, where did you attend medical school?

Dr. NEALE. At the University of Tennessee.

Mr. AKERS. When did you graduate, Dr. Neale?

Dr. NEALE. In 1962.

Mr. AKERS. Did you do any postgraduate work?

Dr. NEALE. Yes. I interned at the Roanoke Memorial Hospital in Roanoke, Va., and then did a residency in psychiatry at the South

Carolina State Hospital in Columbia, and at the University of Tennessee in Memphis.

Mr. AKERS. Are you board certified in any special area of medicine?

Dr. NEALE. I am certified in administrative psychiatry; I am not certified in psychiatry.

Mr. AKERS. You have been board certified in administrative psychiatry since what time?

Dr. NEALE. Since 1971.

Mr. AKERS. When did you become superintendent of the Western State Hospital?

Dr. NEALE. In late August 1969.

Mr. AKERS. Who was your predecessor?

Dr. NEALE. Dr. Jack Druff.

Mr. AKERS. How did you obtain your position at Western State Hospital?

Dr. NEALE. I was appointed by then Commissioner of Mental Health, Dr. Frank Luton.

Mr. AKERS. Would that be considered a political appointment, Dr. Neale?

Dr. NEALE. Political in the nature that the superintendent serves at the pleasure of the Commissioner of Mental Health, who in turn serves at the pleasure of the Governor.

Mr. AKERS. When did you leave Western State?

Dr. NEALE. March 15, 1973.

Mr. AKERS. Under what circumstances?

Dr. NEALE. I was fired.

Mr. AKERS. For what reason were you fired?

Dr. NEALE. Perhaps a personal conflict with the then Commissioner of Mental Health.

Mr. AKERS. Were you ever charged with malfeasance, dereliction of duty, or incompetency in anyway?

Dr. NEALE. No.

Mr. AKERS. Dr. Neale, during your tenure as superintendent of Western State, did you ever allow political or other nonmedical considerations to interfere with your medical judgment?

Dr. NEALE. Absolutely not.

Mr. AKERS. Dr. Neale, have you had an opportunity to review Ms. Stephens, Grace Walden Stephens' medical records from Western State?

Dr. NEALE. Yes, as were sent to me by this committee.

Mr. AKERS. Did you ever personally treat Ms. Stephens, Dr. Neale?

Dr. NEALE. I only saw her on one occasion, for perhaps 1 hour on August 7, 1970.

Mr. AKERS. That was an evaluation I take it, not part of a treatment.

Dr. NEALE. It was not a formal evaluation. I saw her prior to a court appearance regarding a writ of habeas corpus.

Mr. AKERS. Who on your staff did treat Ms. Stephens during your tenure at Western State?

Dr. NEALE. During the 3, almost 4 years that I was there, perhaps every or almost all the staff physicians that I had at that time treated her at one time or another. In going through the

chart I can list perhaps 10 different physicians at the hospital who treated her, out of a group of perhaps 15.

Perhaps of additional interest, she was seen during those years by several consulting psychiatrists, including Dr. Rubio, who has already been mentioned, Dr. Moore saw her August 7, 1970, the same time I saw her, and a Dr. Pat Bollman saw her on July 5, 1969.

Mr. AKERS. Why was Ms. Stephens treated by so many different physicians?

Dr. NEALE. I had an administrative policy of rotating my staff a great deal so that no one patient would be treated by the same doctor for a very long time. The reason for doing that was when I arrived at Western State we had 2,100 patients. When I left there 4 years later we had 1,200, and this was an effort to reduce the overloaded patient population at that time, and this was just one of my methods of doing this.

Mr. AKERS. How would that be assisted by a rotation such as you have described?

Dr. NEALE. It prevented a lot of things, such as dependencies and favoritism. For example, if a very good patient, a high level functioning patient, got to be too much of a pet of a certain physician, this pattern could be broken, whereby a patient would not give favors in order to stay at the hospital.

One ran into a problem of getting a lot of these patients to leave the hospital. We had patients that had been hospitalized for 30, 40, 50 years, and after that length of time some of them who can leave don't want to leave. This just helped break the dependency patterns, and so forth, in order to get these people out.

If I fully explained it, it would take 10 to 15 minutes.

Mr. AKERS. I believe that is sufficient, Dr. Neale.

With respect to those members of the staff who did treat Grace Walden Stephens, did you and do you now have faith in their sound medical judgment?

Dr. NEALE. Yes.

Mr. AKERS. What was your subordinates' diagnosis of Ms. Stephens' condition during your tenure at Western State?

Dr. NEALE. It was an organic brain syndrome, chronic, due to alcohol with psychosis.

Mr. AKERS. What is your definition of this sort of thing?

Dr. NEALE. Let us break this diagnosis down into several parts. First, the word chronic has been explained previously. Chronic generally means irreversible; acute means reversible. The organic brain syndrome part of the diagnosis implies that the patient has deficiencies in probably five areas but not necessarily all five, and of those areas, the first is orientation.

This is defined as does the patient know who he is, where he is and what the date is.

The second area is memory. Can the patient remember things in the distant past as well as the recent past.

The third area is intellectual functioning. Can the patient do simple arithmetic, et cetera?

Fourth is the area of judgment and the fifth or last area is affect. Affect, simply put, is explained as does their facial expression match what is going on or what they are saying?

In other words, if they are telling you that their grandmother, whom they loved very much has just died, do they appear sad or do they laugh? These are your five areas of deficits in an organic brain.

Then finally, the psychosis aspect of the diagnosis has to do with such questions as did they hallucinate, did they show delusional material, things like that.

Mr. AKERS. According to the records you have examined from which of these symptoms did Grace Walden Stephens suffer?

Dr. NEALE. The main ones that I saw, and which the record tends to indicate, were her deficits in memory. She had deficits in orientation at times.

Now, let me hastily say to this group that an organic brain syndrome, even though it may be chronic and, therefore, irreversible, does tend to wax and wane. It is just like the so-called elderly grandparent that you may have had as a child that you remember as having their good days and their bad days.

One day they might remember something, the next day they could not remember it, and so they wax and wane. But back to Grace Walden, there was a marked deficit in her memory, her orientation, judgment, as well as, at times, according to the record, she hallucinated and had delusional material, was depressed, was suicidal and at times even paranoid.

Mr. AKERS. Was this waxing and waning which you have described characteristic of Ms. Stephens' condition?

Dr. NEALE. It's not only characteristic of her condition, but I would say it's characteristic generally of all individuals with this type of problem.

Mr. AKERS. Dr. Neale, while you were at Western State, would you consider that Grace Walden Stephens was receiving the standard treatment for people in her condition?

Dr. NEALE. Yes.

Mr. AKERS. Was that treatment normally consistent with generally accepted medical practice at that time?

Dr. NEALE. Yes.

Mr. AKERS. Dr. Neale, in particular what drugs were prescribed for Ms. Stephens?

Dr. NEALE. She has been on many psychotropic drugs. She has been on many drugs to combat the depressive elements of her makeup, such as the tricyclic drugs, as Elavil and Tofranil, to mention a few. She has been on many phenothiazines, such as Mellaril, Thorazine. She has been on quite a few drugs during her course in that hospital.

Mr. AKERS. In your opinion, were those drugs normal for her condition?

Dr. NEALE. Yes.

Mr. AKERS. What about the dosages of those drugs?

Dr. NEALE. The dosages?

Mr. AKERS. Were they within acceptable standards?

Dr. NEALE. The dosages were within acceptable standards.

Mr. AKERS. Dr. Neale, in your review of Ms. Stephens' medical records did you notice any unusual or irregular entries?

Dr. NEALE. No; I did not.

Mr. AKERS. Dr. Neale, would you consider any of the drugs which were given to Grace Walden Stephens during your tenure at Western State to be harmful or in any way characterizable as "mind-crippling"?

Dr. NEALE. No.

Mr. AKERS. Dr. Neale, first of all, did Ms. Stephens ever speak to you about the assassination of Dr. King?

Dr. NEALE. Well, as I mentioned to you, I only examined her on one occasion. I do not recall whether or not I asked her about that. There is a possibility that I did, but I could say with certainty that she did not respond to the question if I asked it of her.

Mr. AKERS. Did Grace Walden Stephens ever make any statements to you about Charles Q. Stephens?

Dr. NEALE. No.

Mr. AKERS. James Earl Ray?

Dr. NEALE. No; I don't believe so.

Mr. AKERS. Did she ever make any statements to you concerning the murder of Dr. King?

Dr. NEALE. No, I don't believe so.

Mr. AKERS. Now, you have indicated previously in your testimony, Dr. Neale, that you examined Grace Walden Stephens in early August, 1970; is that true?

Dr. NEALE. That is correct.

Mr. AKERS. What were the circumstances leading to that examination?

Dr. NEALE. A writ of habeas corpus had been filed in the behalf of the patient by a Mr. C. M. Murphy, an attorney from Memphis. I examined her primarily to have some personal knowledge of her case inasmuch as I was going to be the one to go to court.

Mr. AKERS. What were the results or the findings of your examination?

Dr. NEALE. My findings were consistent with the diagnosis, that is, of an organic brain syndrome. I found her memory to be quite deficient. As a matter of fact, on that day she could not tell me what year it was nor what month it was.

In other words, I caught her on one of the down periods. Dr. Druff has testified that in early 1969 her condition was such that she could be discharged. Well, by August of 1970, she was on a down swing.

Mr. AKERS. What was your determination with respect to whether or not she could be released?

Dr. NEALE. The psychosis was in good remission, that is, it had disappeared for practical purposes, and she was not considered very suicidal. We thought she could leave the hospital. In other words, we were quite pleased to surrender custody of her. However, her basic organic brain syndrome was essentially unchanged.

Mr. AKERS. Well, did you in fact surrender custody of her?

Dr. NEALE. No. The suit or the writ was dropped.

Mr. AKERS. Why was that?

Dr. NEALE. I don't know. I would be happy to speculate with you, but I do not know.

Mr. AKERS. What would be the nature of your speculation?

Dr. NEALE. This comment now is coming strictly from my memory, which is an event that happened 8 years ago. This is not

in the chart. So, memory, for what it is, I distinctly remember Mr. Murphy coming out to my office prior to the hearing and he was all set to take his client out of the hospital. I distinctly remember asking him, "Have you interviewed your client recently?" He said no.

I said, well, let me permit you to interview her before we go any further, and he said, all right.

Then, I remember the room that I set up for him to interview her, and I had the ward nurse bring her down, and he interviewed her for perhaps 20 or 30 minutes. When he came out of the room from interviewing her, I don't recall him saying anything, but he sort of shook his head and walked off.

Mr. AKERS. And was that your last contact with Mr. Murphy?

Dr. NEALE. No; we saw each other later in court. The court hearing followed.

Mr. AKERS. And what occurred at the court hearing?

Dr. NEALE. The writ was dropped.

Mr. AKERS. Dr. Neale, prior to your tenure at Western State were you ever employed by the John Gaston Hospital?

Dr. NEALE. Yes, in 1968.

Mr. AKERS. Did you treat Grace Walden Stephens while she was at John Gaston?

Dr. NEALE. I don't believe I did. I have read the records and my name does not appear anywhere in the records, and I don't remember her. As a matter of fact, when I first became superintendent at Western State I wasn't even aware that a possible witness to the King killing was at Western State.

Mr. AKERS. Did you know Dr. Mary Slechta?

Dr. NEALE. Yes, I knew her well.

Mr. AKERS. What was her professional reputation?

Dr. NEALE. She had a good reputation, was held in high esteem by her colleagues.

Mr. AKERS. Was your subsequent post at Western State in any way related to the presence there of Grace Walden Stephens?

Dr. NEALE. Absolutely not.

Mr. AKERS. Do you know of any efforts official or otherwise to silence Ms. Stephens?

Dr. NEALE. Absolutely not.

Mr. AKERS. To your knowledge, were all decisions in Ms. Stephen's case based on purely medical grounds?

Dr. NEALE. Yes.

Mr. AKERS. Were you ever contacted by any outside authority including any Federal, State, or county officials concerning the continued commitment of Ms. Stephens?

Dr. NEALE. No.

Mr. AKERS. Do you know of any official pressures, suggestions, or influences exerted in an attempt to keep Ms. Stephens from being released?

Dr. NEALE. No.

Mr. AKERS. Mr. Chairman, I have no other questions of the witness at this time.

Chairman STOKES. Thank you, counsel.

The Chair recognizes the gentleman from Indiana, Mr. Fithian, for such time as he may consume.

Mr. FITHIAN. Dr. Neale, if I may, let's go to the waxing and waning aspect of Grace Walden Stephens.

Would you describe that as continuous over a period of time, that is over a period of years? Is that common with this kind of chronic brain situation?

Dr. NEALE. In trying to simplify this as much as I can, yes, it is sort of like they wax and wane, and as time goes on they sort of gradually become worse and worse. It's sort of like the tide.

Mr. FITHIAN. Is it your judgment then that when you examined her in August of 1970 that this tendency was greater than when she was admitted in 1968?

Dr. NEALE. I wouldn't say it was any different.

Mr. FITHIAN. Now, this is perhaps not a medical question, but I would like to get your best judgment.

We have, as your chief counsel has narrated, quite a number of statements by Grace Walden Stephens of sometimes she has told someone she saw someone, and other times she didn't. That kind of shifting of stories, if you will, is that the kind of thing that one would expect?

Dr. NEALE. I think that is consistent with her diagnosis.

Mr. FITHIAN. Mr. Chairman, I have no other questions.

Chairman STOKES. The committee will operate under the 5-minute rule at this point.

Any members of the committee seeking recognition?

Dr. Neale, at the conclusion of a witness' testimony before our committee, he is entitled under our rules to 5 minutes. During that period of time he may amplify or explain his testimony in any way he so desires.

I would extend to you at this time, 5 minutes for that purpose, if you so desire.

Dr. NEALE. It is not every citizen that has 5 minutes to speak to a distinguished committee of Congress, but I have no comments.

Thank you, sir.

Chairman STOKES. Thank you very much, Dr. Neale. Nice to have had you.

The Chair will recognize Professor Blakey.

Mr. BLAKEY. Thank you, Mr. Chairman.

Dr. Neale's testimony is corroborated by Bernard Fensterwald, who represented Mr. Ray for 4 years, and Charles M. Murphy, Ms. Walden's Tennessee attorney. They both state that they dropped the writ after they were informed that Western State Hospital was willing to release Ms. Walden, because they could find no one to care for her.

Ms. Walden made her next documented statement concerning the man she allegedly saw fleeing from the roominghouse bathroom to members of the committee staff on July 26, 1977.

In a 2-hour interview at Western State Hospital, she said that she remembered the day Dr. King was shot because she had been sick in bed. She did recall seeing a man leave the bathroom, and although she could not describe him because he was moving rapidly, she was certain that he was a Caucasian.

Mr. Chairman, it would be appropriate at this time to enter into the record a memorandum of that interview as Martin Luther King exhibit F-336.

Chairman STOKES. Without objection, it may be entered into the record.

MLK EXHIBIT F-336

OUTSIDE CONTACT

5A

DATE 7/26/77 TIME 10:

I. Identifying Information:

Name Mrs. Grace E. Walden (aka Grace Stephens) Telephone _____

Address Western State Mental Hospital, Bolivar, Tennessee

Type of Contact: Telephone _____
☒ Person

II. Summary of Contact:

Mrs. Walden was interviewed in one of the conference rooms at Western State Mental Hospital. Present at that interview were the following persons: Dr. Morris D. Cohen, Chief Administrator of the hospital; Mr. Frank Taller, Assistant Superintendent, Administrative Services; Mrs. Evelyn Robinson, Assistant Superintendent, Community Affairs; Mrs. Debra Randle, Social Worker to whom Mrs. Walden is assigned; Mrs. Frankie Keller, Keeper of the hospital records;

Mr. Frank Eccles, Staff Investigator; and myself. I commenced my questioning of Mrs. Stephens by asking her if she could remember the day that Dr. King was killed? She said she did. She stated that she had been in bed most of that day. She was then asked if she remembered anything in particular that happened that day that would refresh her recollection? She said that she remembered hearing noises that sounded like firecrackers. She further

III. Recommended Follow-up (if any):

stated that she caught a glimpse of a man leaving the bathroom, but she did not get a good look at him. I asked her whether or not the man was Black or White and she stated that he was White. I then asked her if she could describe the man in any way. She replied that she could not give a description of the man because he moved too fast. I asked her if she had ever given a description of the man to anyone and she replied that she had not. I questioned her about her activities during the afternoon hours of April 4, 1968, and she said that she had gone to the bathroom once or twice, but most of her time was spent in bed. She also stated that she saw a man trying to get into the bathroom but the door was locked. She said that was about Noon. I asked her if she had ever seen that man before and she said no. I then asked did she ever see this same man again and she said no. I asked her if she could describe the man she saw trying to get into the bathroom and she said she could not. I asked Mrs. Walden did she know that Room 5B, which is next door to her room, was occupied that afternoon. She said no. I asked her if she heard any noises in 5B and she said she did not. I then questioned Mrs. Walden concerning any statements that she had given the FBI or the Memphis Police Department. I asked her if she ever told any law enforcement members that she had seen and could describe the man she saw coming out of the bathroom. She stated that did not tell anyone that because she could not describe the man. I asked her if she had any recollection of any statements she had made and she said no I do not but I know I did not tell anyone that I could describe the man coming out of the bathroom. I then read to her a statement she gave the FBI on April 6, 1968 and then asked her if she remembered ever making that statement. She replied no I do not. I asked her if she had ever been

shown photographs of individuals or a group of individuals, and she said she had. However, she said she did not know any of the individuals and could not recognize any of them. I concluded my questions by asking Mrs. Walden if the statement she gave the FBI in 1968 differed from what she was telling me at this time, could lapse of memory be attributed to the passage of time? She stated I don't know.

Heck Johnson

Mr. BLAKEY. On November 13, 1977, Mr. Lane questioned Ms. Walden at Western State Hospital. According to Mr. Lane, she told him that when she heard the shot that killed Dr. King, she was propped up in bed reading. The door to the hallway was partially open. She saw a man flee from the bathroom. Ms. Walden said he looked nothing like James Earl Ray. He was taller than Ray, about 40 years old, with dark hair. He wore a windbreaker and loud checkered shirt, and carried something in his right hand.

Ms. Walden also said, for the first time in any of her documented statements, that her husband was not in the room at the time and he could not have seen the killer, because he left his glasses in the room.

Ms. Walden, told Mr. Lane that Charlie "couldn't see across the street without his glasses." Contrary to her statement 9 years ago to Renfro Hays that Charlie Stephens had not had much to drink on April 4, 1968, Ms. Walden this time told Mr. Lane that he was "always drinking" and it was difficult to tell whether he was drunk or sober.

She also said that she pointed out a suspect for police from photographs she was shown after the assassination, but her identification was ignored. Ms. Walden then noted that she had never been shown pictures of James Earl Ray by police, but that she had seen photographs of him elsewhere and he was not the man she saw coming out of the bathroom.

Mr. Chairman, it would be appropriate at this time to enter into the record a copy of that statement as Martin Luther King exhibit F-337.

Chairman STOKES. Without objection, it may be entered into the record.

MLK EXHIBIT F-337

INTERVIEW WITH GRACE STEPHENS ON NOVEMBER 13, 1977, BY MARK LANE

LANE: All right. All right, now, let me just ask you this Grace, do you remember April 4th, 1968?

STEPHENS: Yes, sir, very well.

LANE: You do, and what happened that day?

STEPHENS: I was in lying in bed reading and my husband came in and said he couldn't get in the bathroom, and he had to go around to the other side and use the bathroom. So he went off and I don't know how long he was gone, but I heard this shot.

LANE: You heard a shot?

STEPHENS: Yes. I recognized it as a shot, my father was a great hunter, he taught us all about guns.

LANE: Yeah.

STEPHENS: In fact two of my husbands collected guns.

LANE: Is that right. After you heard the shot what happened?

STEPHENS: In a few minutes the bathroom door opened, I could see the, the door was pushed open and I was propped up in bed, just as I said, reading.

LANE: Your door, the door to your room was partially open.

STEPHENS: Yes.

LANE: So you could see out in the corridor?

STEPHENS: And, and the bathroom door was right next to us.

LANE: Yes, I know. I've been there.

And did you see anybody come out of that bathroom?

STEPHENS: I saw this man come out, and it didn't look anything like James Earl Ray, he was taller and he didn't look anything like James Earl Ray.

LANE: Did he have anything in any hand?

STEPHENS: He had something in his hand but I couldn't see what it was, he was carrying it over next to the railing.

LANE: In his right hand or his left hand?

STEPHENS: In his right hand.

LANE: That would the hand away from you.

STEPHENS: Away from me next to the railing going down the back stairs.

LANE: And since then of course you have seen pictures of James Earl Ray?

STEPHENS: I've seen pictures of James Earl Ray and I've never seen the man before in my life.

LANE: It was not James Earl Ray you saw?

STEPHENS: No, it wasn't James Earl Ray I saw.

LANE: And did anyone from the police talk to you afterwards?

STEPHENS: Yes, we had police, reporters and more reporters, it was a mess.

LANE: Did the police try to tell you that it was James Earl?

STEPHENS: Yes, they did.

LANE: They showed me pictures and there's a picture out that looked like the man that I saw and I looked, pointed it out but they never did pay any attention to me.

LANE: You picked out a man who you think may of been the man?

STEPHENS: Yes.

LANE: But that wasn't James Earl Ray?

STEPHENS: No.

LANE: Did the police also show you pictures of James Eal Ray?

STEPHENS: No.

LANE: They never showed you pictures of Ray?

STEPHENS: No.

LANE: But you have seen pictures of James Earl Ray?

STEPHENS: Yes. Since then.

LANE: And is there any doubt in your mind that the man you saw was not James Earl Ray?

STEPHENS: There's no doubt in my mind that wasn't James Earl Ray, he's a tiny different man and everything.

LANE: Do you know about how old was that man?

STEPHENS: He was in his 40's.

LANE: And do you remember the color of his hair?

STEPHENS: Dark.

LANE: Dark.

STEPHENS: He was a brunet

LANE: Do you remember what he was wearing?

STEPHENS: Windbreaker, I've since learned that I called it a hunting coat then.

LANE: A hunting coat or a windbreaker, what color was it?

STEPHENS: He had on a checkered shirt, a loud checkered shirt.

LANE: Under the windbreaker?

STEPHENS: Yes, the coat was open.

Had this jacket on or windbreaker, and the coat was open and he had a loud checkered shirt on.

LANE: Did you ever tell anyone that the man you saw was James Earl Ray?

STEPHENS: No.

LANE: Have you always said for these nine years that you are sure that it was not James Earl Ray?

STEPHENS: I was always sure that it wasn't.

LANE: Did Charlie, your husband Charlie Stephens, did he ever see that man? /I don't think he did. He couldn't see without his glasses anyway.

LANE: Did he have his --

STEPHENS: He couldn't - He didn't have his glasses on they were in the bed - in the room.

LANE: He was -- The glasses were in the room but Charlie was not even in the room at the time?

STEPHENS: No.

LANE: In fact he had not come back from the other bathroom?

STEPHENS: No, he hadn't.

LANE: And when he came back, did you tell him what you saw?

STEPHENS: I told him the man went down the hall and he went out and looked down stairs and motioned for me to come

down there and look too, but I was afraid that he would take a pot shot at me and I wouldn't go.

LANE: How soon after the man passed your door did Charlie come?

STEPHENS: Just a few minutes.

LANE: So you don't even know if Charlie ever saw the man?

STEPHENS: He came up the back stairs, he'd been out in the yard.

LANE: Oh, I see, the back stairs which come right up next to the bathroom?

STEPHENS: Yeah, the railing is right next to the bathroom.

LANE: And the back stairs come right up toward that railing?

STEPHENS: Yes.

LANE: I've been there.

Was Charlie drinking that day?

STEPHENS: He's always drinking.

LANE: Was he actually drunk that day?

STEPHENS: I don't -- You can't tell when he drunk and when he's sober, or when he's partially sober.

LANE: Excuse me. (Break in tape).

Are you sure that Charlie actually could never see that man who came out of the bathroom.

STEPHENS: He couldn't see across the room without his glasses.

LANE: And the glasses were in the room, huh?

STEPHENS: And his glasses were in room.

LANE: Yeah. Why did Charlie say it that it was James Earl Ray?

STEPHENS: I don't know.

LANE: You know he was put in jail for a while?

STEPHENS: Yes.

LANE: Did you know that?

STEPHENS: I was in the hospital at the time.

LANE: Yeah.

Did they put you in the hospital because you wouldn't say it was James Earl Ray?

STEPHENS: No, they had to sew my head up. My hair still hasn't grown back, I don't guess it, ever, --

LANE: When did that happen to you? I mean after the day Dr. King was shot, how soon after that did that happen to you?

STEPHENS: I believe it was the same day.

LANE: The same day? And who hit you?

STEPHENS: Charlie, with the Coke bottle.

LANE: That same day?

STEPHENS: He was always beating up on me, I'm glad to be rid of him.

(?) : Why did he hate you, was he drunk then?

STEPHENS: He's al-, he was always drunk.

(?) : Did he, did he tell you why he was mad at you?

STEPHENS: He never says anything. He never does say very much except when you haven't got anything to say.

LANE: Okay, well, thank you very much.

STEPHENS: Yes sir.

LANE: If there's a trial, if James Earl Ray should have a trial, we are trying to do that now, because he's been in

jail nine years and he's never had a trial, but he does have a trial would you be willing to come to the court and tell the Jury what you have just told me?

STEPHENS: Yes sir.

LANE: That it's true? Is it?

STEPHENS: Yes, sir.

LANE: Okay, thank you very much.

(?) : In other words you have no motive, no reason to tell a story do you--

(end of tape).

Mr. BLAKEY. Mr. Lane has, however, given an inconsistent version to Ms. Walden's story. On April 5, 1978, on a Memphis television talk show, Mr. Lane said that, since Ms. Walden was the only witness who saw the murderer of Dr. King, the FBI and Memphis police asked that she provide a description of the man to an artist from the Commercial Appeal. This drawing was later circulated by the FBI as one of the suspect.

It would be helpful at this point, Mr. Chairman, to recall here the previously introduced affidavit of Commercial Appeal artist William Herrington, who made the sketch, and he swore that it was based solely on the description provided by Charles Stephens. Apparently, Herrington did not talk with Grace Walden.

Mr. Lane also made his charge, referred to earlier today, that after the arrest of James Earl Ray, Ms. Walden was asked to sign an affidavit to be used in the hearing on the extradition of Ray, describing him as the man she saw fleeing from the roominghouse bathroom.

Despite the offer of a \$100,000 reward, she adamantly refused to perjure herself by signing the document. As indicated in affidavits entered earlier today, both Robert Jensen, special agent in charge of the Memphis FBI Field Office, and J. Harold Flannery, attorney for the Department of Justice, swore that Ms. Walden was not asked to sign an extradition affidavit.

In addition, during the talk show interview, Mr. Lane offered a different description of the man Ms. Walden saw on April 4, 1968, describing him as an inch or two taller than she, very thin, and in his late fifties or early sixties. He also said she was sitting in a chair reading, rather than "propped up" in bed, as he said in his first relating of her account.

Mr. Chairman, it would be appropriate here to enter a transcript of that talk show interview as Martin Luther King exhibit F-338. [MLK exhibit F-338 follows:]

MLK EXHIBIT F-338

INTERVIEW WITH MARK LANE ON WHBQ-TV, MEMPHIS, TENNESSEE,
ON APRIL 5, 1978, BY MARGARET THRASHER, "STRAIGHT TALK"

THRASHER: bring us up-to-date where we are today with your client Grace Walden at this point, not James Earl Ray.

LANE: Grace Walden retained me last December to represent her. She's been locked in the mental institution, Western State, Memphis State Hospital, she's in there for almost ten years and she is the only person of the she is the only person who actually saw the killer come out of the bathroom. The killer of Dr. King come out of the bathroom moments after he fired the shot. She lived in that rooming house, 418½ S. Main Street. She heard the shot and she saw a man - and she said "I recognized it as a shot, my father was a great hunter, he taught us all how to shoot." She said, "I looked up, I was setting in a chair reading a book and the door was open, and I looked up and I saw a man come out of the bathroom carrying something in his righthand." She said "his body was between me and his right hand, I couldn't see what it was."

And I've been to that rooming house again just three or four days, and she was just a few feet from him, I mean that's how close that bathroom door was to her hallway door. And she saw him flee down the stairs. But naturally the police and the FBI picked her up and asked her give an artist from the Memphis Commercial Appeal, and they knew they had the only witness who had seen the murderer. And she made a description to the artist, based upon that description of her, a drawing was done and circulated

by the FBI and by the local police throughout the world. Ten weeks later James Earl Ray was arrested in London. Mrs. Walden who was living with a man called Charles Q. Stephens was picked up and taken to police headquarters and questioned by the FBI which had then taken over the entire case. The Memphis Police never really investigated this case, although it was a local case and they had jurisdiction and the FBI did not, they were never allowed to investigate. The "Long Arm of Washington" really reached into it...

THRASHER: What are you saying in that? That's intriguing just hearing that. Oh, well, go on.

LANE: Alright. Well, let me finish Ms. Walden first.

They brought her in, in the police headquarters and the FBI was there. And they said, 'we've arrested the killer, we have him' because it was in Scotland Yard in London based upon information given to them by the Royal Canadian Mounted Police, the American Law Enforcement played no part at all in the arrest of Ray. He's been arrested and we would like you to find the affidavit because in order to extradict Ray from England to the United States there has to be some evidence. And there was no evidence at all against Ray. They wanted Ms. Walden to sign the statement, she said 'well that's not the picture of the man.' And they showed her the picture and she looked at it and she said "that's not the man." "Well just sign the affidavit." "No, that's not the man, I can't that's not the man. Not the man, doesn't look anything like him." And then they - she said "how tall is that man?" The officer said "5'11," she said well that's "well I give you the statement right after I

saw him. I'm 5-3," she said, "and he was not more than an inch or two taller than me, and very very thin and how old is that man?" They said he was 39. She said "I told you the man was his late 50's and early 60's, that's not the man at all. She was then told of a reward of a \$100,000 offered by the NAACP and others, it was by the FBI, and "if you sign the statement you'll get the \$100,000." She said "well if I wouldn't lie for nothing, I wouldn't lie for money." Then they brought in Charlie Q. Stephens, it was their only sober witness in the case, he's the only witness against James Earl Ray. Arrested 200 times in this city for being publicly drunk, charged with assault with an attempt to commit murder, firing a pistol within the city, carrying a loaded pistol, etc. They brought him and he was drunk. And they said, "we would like for you to sign the statement", and he said, "I don't know anything about it." He was out, he was not even in the building at the time. And he was dead drunk according to three leading citizens of this town, including the owner of Jim's Grill, a man named, also a man named Jim McGraw, who's been a taxi cab driver for 32 years, who still is a taxi driver in this town, and Lloyd Jowers who was the dispatcher for the taxi company at the airport who owned Jim's Grill, they'd seen him a little bit before, and he was dead drunk, stretched out, couldn't stand up five minutes before the assassination, and wasn't even in the building at the time, but they brought him in, the FBI, they said "we'd like for you to sign the statement, a \$100,000 is your's." And so he signed it, that's the only reason Ray was brought back to this country. Then they went back to Gracie, the FBI, and said "now we have the statement from Charlie

we want you to sign." So she said "I can't, I can't." And the FBI agent said, "you'll be in a lot of danger, and a lot of trouble if you take this position." She went home and a couple of days later she was picked up by the homicide squad, here is the arrest record, the homicide squad, two officers of the homicide squad. And they took her, and they threw her in the mental ward of the John Gaston Hospital, and then they transferred her two weeks later to the Western State Hospital in , and here is the statement as to the reason...

THRASHER: They were from homicide?

LANE: Well, because, see the homicide squad -- well, of course she wasn't arrested for homicide, but they just had to have a record as to why the homicide, why was the homicide squade involved, because Dr. King had been killed and this was the group which was investigating the King murder and they want to silence this witness. She was the most dangerous witness. They put her in the hospital under the name of Grace Stephens, treated slowly, the John Gaston Hospital, the mental ward three weeks later they transferred her to the Western State Hospital by Sheriff's car, two armed officers put her in a car and drove her there. The records for John Gaston Hospital only show - It's taken me months to get this information because of the authorities do not want this to be known, but I've gotten the documents now. The records of John Gaston Hospital only show that Grace Stephens was discharged and the records for Western Hospital show a Grace Walden came in that day, so the investigators for James Earl Ray at the time couldn't even find her, because there was no record that

Grace Stephens was in the Western Hospital.

THRASHER: You think that was deliberate?

LANE: Sure, everything they did about this case---

THRASHER: Who is they?

LANE: The authorities of this date who have been responding to these police agencies in Washington.

Now, look at this, they meet with a witness, the FBI and local police sent out the pictures based upon her statement all around the world, this is the reason for her commitment, "she's hallucinating" "Patient thinks she is witness to Dr. King's murder trial"- "in Dr. King murder trial."

THRASHER: She's hallucinating that?

LANE: That's what, well, then the FBI was involved in hallucinations, so was the local police at the time. Well, I've been trying to get her out of the institution, I've seen her on several occasions, the last - oh, a couple times ago I went to see her I did a tape of the first time, I did a tape recorded interview of her. Right out in an open hallway, we sat down and I tape recorded the interview, Guards came up, dragged her away, threw her in a room, ordered me to submit, surrender my tape to them, I said, "I can't do that, I'm the attorney for James Earl Ray, this is the evidence in the case." They said "we're taking the tape from you." And then the switchboard operator came out and said "you are not allowed to Grace Stephens, Grace Walden she's the only one in this institution about whom I have a note on my switchboard 'no one can talk to her unless Dr. Cone the Administrator gives permission'" which means no one because he doesn't give permission. And they decided they were

going to take the tape, and I pushed them aside jumped into the car and drove off. And the Administrator sent a police car after me with a siren and the lights flashing pulled me over to the side of the road and ordered me to return, but of course I found out this was a security officer and his jurisdiction was limited to the institution, I was on a highway by then and I left. When I went last to see her a few days ago Dr. Cone left orders that she cannot see me and I'm her lawyer. She cannot be visited by relatives, she has no relatives and has no visits in ten years, and I've visited her several times. And he left orders that I could not see my client. And so finally I talked to Dr. - to Mr. Zylar(?) who is second in charge and told him that that was a crime in stopping an inmate from seeing his attorney is a crime. And, the next day after previously communicating this information I was going to ask for his arrest, then he said, "oh, you can see her." I went to see her But / ^{they} insisted that a nurse be present because there is no way a lawyer can talk to a client in the presence of a third party. There is no privileged communication, and I did say that I did want to do a full interview with her, which I said would never be shown on television, because I wouldn't do that to my client. But that I want to show it to a judge when I brought an action of writ of habeas corpus and they said no. The next day Dr. Cone arranged for Paul Barnett of Channel 3 who was sort of a pet of the Federal Bureau of Investigation, like State Police Authorities, and he promised Dr. Cone, I understand, that he would go--

THRASHER: You understand?

LANE: Yeah, from someone else at that station who was present, that he promised Dr. Cone that he was going to prove that she was a nut and a kook, and that's what the interview would do. I called Dr. Cones and he promised me of course that there would be no filmed interview, he said it was completely untrue, last night I saw that filmed interview on television, he allowed a person who was a ward of his to be filmed, to be exploited on television. However, she was actually quite good because she is a --

THRASHER: I heard her say on that interview - I watched it this morning, very early on Channel 3. That James Earl Ray was not the person she saw, I heard that.

LANE: She's been saying that for 10 years, that's why she's in that institution, now --

THRASHER: Alright, now yesterday -- Was it yesterday, I said black ministers, but I was really incorrect in that, it was a group of 17 ministers in Memphis have urged that Grace Walden be released, is that true on that sheet that you gave me--

LANE: That's that statement, yes.

THRASHER: Demand freedom for Grace Walden and a trial for James Earl Ray.

LANE: Yes.

THRASHER: Now, was this at your urging that they did this?

LANE: Well, when I came to town some weeks ago, uh, I met Dr. , I talked to Rev. Jim Lawson, James Lawson -

THRASHER: Who use to be here and is now in California.

LANE: Yes. And he was the one, a Methodist minister, who

invited Dr. King to this city in April, and was with them, and I met with him and I met with John Adams of the National Office of the United Methodist Church in Washington, D.C. And they agreed to arrange a meeting for me to address there some weeks ago, and Bishop of the Roman Catholic Church was there, Rabbi and many other ministers...

THRASHER: Let me interrupt you for a second.

Why, now Grace Walden, rather than James Earl Ray? And what are you, what are you going to gain from all this?

LANE: I'm very stupid, I'm not getting paid, of course, I'm paying my own expenses, I don't have -- Grace Walden has no money, of course. Neither does James Earl Ray. And I'm retaining attorney. But the most incredible thing happened out here, in here this morning, after these 17 ministers representing all of the religious leaders, major religious leaders I think in this city; Roman Catholic, Black and White and Protestant and Jewish, issued this call yesterday. Today just on the news I just heard, but Superintendent Cone has said she can be released at any time now. In other words, they can keep a woman locked up for 10 years illegally, but when a group of ministers say that's wrong, they say alright we'll release her. I think that the - that release, that statement that she can be released after 10 years of being incarcerated raises an ungrateful . And I'm going to meet with her as soon as I can and Dr. Cone evidently said this is no place for her to be. There's a group of people in California who have prepared an apartment for her. They have raised some funds for her. Imagine the institution probably gets

her social security and probably makes a profit by her being at that institution. But she can live on that elsewhere as well. But I'm prepared to take her today back to California and there are people there that are very concerned about her well being.

THRASHER: Do you think that she would be there if you for her today?

LANE: Well, you know, Dr. Cone operates in such mysterious ways that one thing I am going to do now, and I told him that if I saw an interview with Grace Walden on television which would be a violation of her rights. But if I saw that film and he promised me that that would not happen, that I would today, and I'm going to this afternoon, file a complaint against him with the Commissioner of the Department of Mental Health this date, and I'm going to go to the medical association and ask that his license to practice medicine be revoked. I can think of nothing more outrageous for a head of an institution to do than what he has done here, he has exploited this woman, and has utilized television media to exploit and prove to everyone that she is crazy, but when anyone saw that and realized that she obviously was not crazy then he said that she could leave at any time. And I think that raises many more questions than it answers.

THRASHER: Alright, now, we have not discussed James Earl Ray at all.

Do you really think that you will get another trail regardless of the call from ministers, whomever?

LANE: You know I didn't think that Grace Walden was going to be released just because 17 ministers, priest and rabbis asked

for it. So I'm not really good enough to answer that question.

I don't know what will have to be done. I

march these people right past the Lorraine Motel, thousands of people to the _____ and I know I've heard Rev. James Lawson speak there, and say to thousands of people, almost all of them are black " one of the first things we must do is demand a trial for James Earl Ray and there was a thunderous standing ovation in support of that. I would not of beleived that would of - I know that most people don't believe that Ray did it. And almost nobody believes he did it alone. Almost everyone believes that there was a conspiracy. But I do not think that people in that emotional moment are thinking about Dr. King and his murder, just 10 years before to the moment almost, I didn't think that they would be able to use sheer logic at that moment and demand a trial. I'll tell you, if we go to court in this state, to say "yes, there will be a trial for James Earl Ray, we want to move it from Memphis because of prejudice." My answer would be, "No, we are ready in one hour, bring us the first twelve people on the jury list right there in Memphis let's try the case right now, let's see the evidence. There is no evidence.

THRASHER: I think you're right, I think you're very right. I don't know about the evidence, but I think any 12 people would be glad to sit on a jury to hear it.

LANE: We would be glad to have them and Ray has been sentenced to 99 years, he's never had a trial, you know. It's not really his fault, he was kept in a cell ---

THRASHER: Yeah, but James Earl Ray --

LANE: What, you don't like James?

THRASHER: His past record is not all that great. We've got to take a break, we'll be back on Straight Talk in just a moment.

(Music)

THRASHER: We have been this morning with Mark Lane and also Ron our bomb expert who with us today.

Where are you going to go from here now, you are going to check on - I mean, trial wise and moving in the case, Mr. Lane?

LANE: Well, I've felt all along that the law is clear, it's Section 17-117, Tennessee Code Annotated, which states that if an application for a trial pending before a trial judge and the judge either becomes criminal insane, something the legislature considers an , or should die while the application is pending it must be automatically granted. Now, after Ray was kept in a cell with lights kept on him 24-hours a day, for eight months and finally coerced I believe into pleading guilty, he was sent from here to the Nashville Prison where the lights were out at night, the first night, and he wrote an application to Judge Battle, the trial - the non-trial judge and asked for a trial saying he had been coerced nad tortured. Judge Battle came into his chambers picked up the application and literally dropped dead on that application, and so Section 17-117, applied, Ray was entitled to a trial, a new judge came in and said "But not in this case, top political case."

Well, the law - the law is supposed to be followed and we will be moving in the days ahead under that. Our problem has

never been the law, but a question of developing a feeling in the State that this would be a good thing because, to become a very political question. I think we have reached that point now and within the next week we will be filling for a new trial.

THRASHER: Okay, you of course came out strong, Dick Gregory writing the book, "Code Name Zorro", got a lot of publicity about it. I understand that it was through this that James Earl Ray asked that you be his lawyer, now the book is out in paperback. Is it selling well? Is it picking up again, how can you, you get any feeling --

LANE: I haven't even talked to my publisher about that, I've been so involved in other things here, I don't know how it is doing, I hope it does well because I would like a lot of people to read the facts in there, some horrifying, chilling information about Mr. Hoover's efforts to destroy Martin Luther King. But, of course, you know Hoover sent, had a letter sent to Dr. King and telling him to commit suicide. That was J. Edgar Hoover, that was not James Earl Ray who had that letter sent, -and that and many, many other things. And the FBI had surveillance of Dr. King 24-hours a day for years until one hour before he was killed in Memphis and then all of it disappeared.

THRASHER: Are you interested in, in proving to the public that James Earl Ray was not guilty, as you are that our government was guilty. I'm not sure which way I understand that you are moving in a trial.

LANE: I knew Dr. King. I was arrested with Dr. King in a protest outside of Baltimore. I knew him and I loved him. And

I considered him to be the greatest person I've ever met in my life and think that all of us in this country have the obligation and the right to find out who killed him, and to learn all the truth.

THRASHER: Well, you think you know. I think you think our government did it.

LANE: I think that the prime -- I think if you look at the evidence, you have to conclude that the prime suspect in the murder were people working for the Federal Bureau of Investigation in 1968. I think that, and without a trial where we can subpoena all the files, find out why the FBI was through with surveillance just before he was killed, whether or not they were putting down a carpet for the killer or not, all of that information can come out of the trial, that's one of the reasons I'd like to see that there be a trial.

THRASHER: Okay, I think we are going to have some time for questions from our viewers, don't go away, stay right where you are.

Commissioner I didn't mean to sit here with my back, but it's been rather fascinating, hasn't it?

COMMISSIONER: Yes, it has, very much so.

THRASHER: When -----

(End of Side A and End of Tape.)

Mr. BLAKEY. Mr. Lane secured Ms. Walden's release from Western State Mental Hospital in April 1978. Dr. Morris Cohen was the superintendent of the hospital at that time, having assumed that position in February 1976.

It would be appropriate at this time, Mr. Chairman, to call Dr. Cohen.

Doctor, may I ask you to stand and raise your right hand and be sworn, please?

Do you solemnly swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. COHEN. Yes.

Chairman STOKES. Thank you, Doctor, you may be seated.

The Chair recognizes staff counsel Alan Hausman.

Mr. HAUSMAN. Good afternoon, Doctor.

Would you please state your name?

TESTIMONY OF DR. MORRIS COHEN, ACCOMPANIED BY MR. C. HAYES COONEY, COUNSEL

Mr. COHEN. I am Dr. Morris Cohen.

Mr. HAUSMAN. Are you represented by counsel today?

Mr. COHEN. Yes.

Mr. HAUSMAN. Would the counsel please identify himself?

Mr. COONEY. I am C. Hayes Cooney of the State attorney general's office.

Mr. HAUSMAN. Dr. Cohen, are you appearing pursuant to a congressional subpoena today?

Dr. COHEN. Would you repeat that, please?

Mr. HAUSMAN. Are you appearing today pursuant to congressional subpoena?

Dr. COHEN. Yes.

Mr. HAUSMAN. And you are aware that you are testifying under oath and, therefore, subject to the appropriate penalties for perjury?

Dr. COHEN. Yes.

Mr. HAUSMAN. Mr. Chairman, before we proceed with Dr. Cohen's testimony, it should be noted that the provisions of the comprehensive alcohol abuse and alcoholism prevention treatment and rehabilitation program, which appear at 42 United States Code section 4541 and following, which restrict the disclosure of information by an institution such as Western State, do not apply to requests of information from a committee of Congress, and do not apply in the context of a congressional hearing.

Dr. Cohen, what is your current address?

Dr. COHEN. Bolivar, Tenn.

Mr. HAUSMAN. What is your date of birth?

Dr. COHEN. October 20, 1912.

Mr. HAUSMAN. What is your current occupation?

Dr. COHEN. I am psychiatrist and superintendent of Western Mental Health Institute.

Mr. HAUSMAN. Where is that located?

Dr. COHEN. In Bolivar, Tenn.

Mr. HAUSMAN. Where did you attend medical school?

Dr. COHEN. University of Tennessee.

Mr. HAUSMAN. When did you graduate?

Dr. COHEN. In 1941.

Mr. HAUSMAN. Did you do any postgraduate work?

Dr. COHEN. Yes. I interned at the Michael Reece Hospital in Chicago. I had residency training at Cook County Hospital in Chicago.

Mr. HAUSMAN. In what specialty was that residency?

Dr. COHEN. In pediatrics. I practiced pediatrics in Memphis until 1960, at which time I sort of recycled and retrained in psychiatry. I took a 3-year residency in general psychiatry at the University of Miami at Miami, Fla., and then 2 years of training, a fellowship course in child and adolescent psychiatry at the University of Southern California.

Mr. HAUSMAN. Are you board certified in any special area of medicine?

Dr. COHEN. No. I am board eligible in psychiatry and child psychiatry.

Mr. HAUSMAN. And what does being board eligible mean?

Dr. COHEN. Board eligible means that I have completed requirements for training in psychiatry and child psychiatry.

Mr. HAUSMAN. Did you ever take the examination for certification?

Dr. COHEN. No.

Mr. HAUSMAN. Any reason for not taking the examination?

Dr. COHEN. No.

Mr. HAUSMAN. When did you begin your employment at Western State Hospital?

Dr. COHEN. In February 1967, pardon me, 1976.

Mr. HAUSMAN. Is it now called Western Mental Health Institute?

Dr. COHEN. Western Mental Health Institute.

Mr. HAUSMAN. So that is the same institution that was formerly called Western State Hospital?

Dr. COHEN. Right.

Mr. HAUSMAN. How did you obtain your position as superintendent?

Dr. COHEN. I had been in a position of retirement for a year prior to obtaining my position at Western Mental Health Institute. I had become disappointed or bored with retirement, and I had heard that there was help needed at the institute, and I went there to offer my services.

There was not a superintendent at that time, unbeknowing to me, nor had there been one for the 5 or 6 previous months, and I was offered that position. After giving it considered thought, I accepted the position.

Mr. HAUSMAN. You were appointed by the commissioner of mental health?

Dr. COHEN. Right.

Mr. HAUSMAN. During your tenure from February 1976 when you began as superintendent through the present time, have you ever allowed political or other nonmedical considerations interfere with your medical judgment?

Dr. COHEN. Of course not.

Mr. HAUSMAN. Did you ever meet Grace Walden, also known as Grace Stephens?

Dr. COHEN. I am sorry; I will have to ask you to repeat that.
Mr. HAUSMAN. Have you ever met Grace E. Walden or Grace Stephens?

Dr. COHEN. Yes, I have seen her at the hospital.

Mr. HAUSMAN. Under what circumstances?

Dr. COHEN. I have seen her initially and informally as a patient on the CPU unit, that means the community preparation unit.

Mr. HAUSMAN. And that would be in the course of—

Dr. COHEN. In the course of my making my clinical rounds at the hospital.

Mr. HAUSMAN. Would you make daily rounds at the hospital?

Dr. COHEN. Yes, I do, and I do not visit every ward daily, but over the period of a week I will cover every ward.

Mr. HAUSMAN. Have you had an opportunity to review Ms. Walden's medical records?

Dr. COHEN. Yes.

Mr. HAUSMAN. Did you personally ever treat Ms. Walden?

Dr. COHEN. No.

Mr. HAUSMAN. Who on your staff has provided such treatment during your tenure as superintendent?

Dr. COHEN. She has been under the care of three different doctors there, a Dr. Higgs, a Dr. Barlow, I have to think of the third name.

Mr. HAUSMAN. Was she treated by Dr. Teribio?

Dr. COHEN. Right. Thank you.

Mr. HAUSMAN. And during the course of your tenure those three are the only staff physicians who have treated her, to your knowledge?

Dr. COHEN. Yes.

Mr. HAUSMAN. Are you knowledgeable about the level of their professional skills?

Dr. COHEN. Yes.

Mr. HAUSMAN. And in your opinion, what is that level of skill?

Dr. COHEN. They are all fine doctors, very competent and I have the utmost trust and confidence in them.

Mr. HAUSMAN. Are they all psychiatrists?

Dr. COHEN. One is and the other two are not.

Mr. HAUSMAN. Which one was the psychiatrist?

Dr. COHEN. Dr. Higgs.

Mr. HAUSMAN. And the other two are licensed physicians, however.

Dr. COHEN. Licensed physicians, right.

Mr. HAUSMAN. During the course of your tenure at Western State or Western Mental Health Institute, what was the diagnosis of Ms. Walden's condition?

Dr. COHEN. Well, I only know that from reviewing the chart and the diagnosis was chronic brain syndrome.

Mr. HAUSMAN. Could you give us a definition of chronic brain syndrome that a layman could understand?

Dr. COHEN. Chronic brain syndrome is one of two of the organic brain syndromes; the other being acute. They are distinguished by the acute being reversible, correction, the acute being reversible, the chronic being nonreversible or irreversible.

They are characterized by an impairment of memory, orientation, judgment, by lability and shallowness of affect and by impairment of all intellectual functions.

Mr. HAUSMAN. Would a person's judgment be affected in any way if they were suffering from organic brain syndrome?

Dr. COHEN. Yes.

Mr. HAUSMAN. What are the causes of organic brain syndrome?

Dr. COHEN. There are many causes, the main cause being a lack of oxygen supply to the brain tissue resulting in damage to that brain tissue, and that damage resulting in impairment of function of that brain tissue.

It may be caused by occlusion of the vascular arteries that lead to the brain. It may be caused by toxic substances, they may be caused by any condition such as strangling and so forth which may interfere with proper oxygenation to the brain tissue.

Mr. HAUSMAN. Could it be caused by chronic alcoholism?

Dr. COHEN. Yes.

Mr. HAUSMAN. While Ms. Walden was at Western Mental Health Institute, what was her prognosis?

Dr. COHEN. I think the prognosis would be what you might term stable.

Mr. HAUSMAN. Excuse me?

Dr. COHEN. Stable; that means she would wax and wane, she would come and go, and at times she would appear more improved than other times. Chronic brain syndrome, the prognosis for chronic brain syndrome is poor at best. The course of the disease is a slow, downhill course, in which the symptoms become or go from mild to moderate to severe.

Mr. HAUSMAN. What was the condition of Ms. Walden's chronic brain syndrome?

Dr. COHEN. I would say that it was moderate.

Mr. HAUSMAN. While she was at Western State, Western Mental Health Institute, was she receiving the normal standard of treatment for people suffering from her condition?

Dr. COHEN. Yes.

Mr. HAUSMAN. During your tenure as superintendent was she receiving drug therapy?

Dr. COHEN. Yes.

Mr. HAUSMAN. What drugs, if any, was she receiving?

Dr. COHEN. She was receiving the drug known as Trilafon or Fluphenazine. She was receiving, according to my study of the chart, Phenobarbital, and I believe she was receiving a third drug. I do not recall at present what it is.

Mr. HAUSMAN. What level of dosage was she receiving?

Dr. COHEN. It was a low dose, I would say. A dose of 8 milligrams of Trilafon is considered to be a low dose.

Mr. HAUSMAN. And what type of drug is Trilafon?

Dr. COHEN. It is an anti-psychotic neuroleptic drug.

Mr. HAUSMAN. Was she also receiving any other forms of therapy?

Dr. COHEN. She was receiving all of the therapies that we have to offer, such as milieu therapy, the recreational therapy, occupational therapy, adjunctive and industrial therapy. She was engaged in work therapy, she was engaged in I believe a group therapy.

Mr. HAUSMAN. Were those therapies normal for somebody suffering from her condition?

Dr. COHEN. Yes.

Mr. HAUSMAN. Were they within the acceptable range of the practice of medicine and psychiatry for somebody suffering from her condition as now in vogue?

Dr. COHEN. Yes.

Mr. HAUSMAN. Is that the same for her drug treatment?

Dr. COHEN. Yes.

Mr. HAUSMAN. In your review of Ms. Walden's medical records did you notice any unusual or irregular entries?

Dr. COHEN. Any what?

Mr. HAUSMAN. In your review have you noticed any unusual or irregular entries in those medical records?

Dr. COHEN. I don't recall any.

Mr. HAUSMAN. In your professional opinion was Ms. Walden competent or is she incompetent?

Dr. COHEN. Currently?

Mr. HAUSMAN. Currently.

Dr. COHEN. I have not seen Ms. Walden since she was discharged from the hospital.

Mr. HAUSMAN. When did that occur?

Dr. COHEN. This was in April of 1978. At that time she was considered by staff members and the treatment team to be incompetent to manage her own affairs.

Mr. HAUSMAN. In fact, did you sign a certificate of mental competency stating she was not competent to conduct her own affairs?

Dr. COHEN. Yes, I did.

Mr. HAUSMAN. And was your signing that document based on the staff presentation to you of her condition?

Dr. COHEN. Right. It is one of the duties of my position to sign such statements.

Mr. HAUSMAN. And I will note for the record the statement was signed on May 8, 1978, and it was signed in conjunction with Ms. Walden's discharge of April 25, 1978.

Did Ms. Walden suffer a memory loss?

Dr. COHEN. Yes; that is one of the symptoms of the chronic brain syndrome from which she suffered.

Mr. HAUSMAN. While you were superintendent and she was in attendance at Western State was she also suffering from hallucinations?

Dr. COHEN. I am not aware of that.

Mr. HAUSMAN. Did the records reflect she was suffering from hallucinations?

Dr. COHEN. During my tenure?

Mr. HAUSMAN. Right.

Dr. COHEN. I am not aware of that.

Mr. HAUSMAN. What about delusions?

Dr. COHEN. If the records reveal that, I am sure that she must have, because I would have the full confidence and faith in the staff.

Mr. HAUSMAN. You have no independent knowledge?

Dr. COHEN. No.

Mr. HAUSMAN. Do you have any independent knowledge of her suffering from suicidal tendencies during your tenure?

Dr. COHEN. I am also not aware of that.

Mr. HAUSMAN. Have you felt that she improved over the time you were in charge of Western Mental Health Institute?

Dr. COHEN. That she had improved during my tenure, yes, I did.

Mr. HAUSMAN. Did she ever speak to you about the assassination of Dr. Martin Luther King?

Dr. COHEN. No; I never spoke with Grace Walden about anything.

Mr. HAUSMAN. So she never made any statements to you at all about Charles Stephens, James Earl Ray?

Dr. COHEN. No.

Mr. HAUSMAN. Dr. King's murder?

Dr. COHEN. No.

Mr. HAUSMAN. While you were superintendent, were any attempts made to have Ms. Stephens discharged or released from Western State?

Dr. COHEN. Why, yes, this was initiated by the hospital. The hospital is currently, it is the concept in mental health at this time to place people in the community for treatment rather than to keep them institutionalized. As a part of the deinstitutionalization process we are discharging as many people as are able to go back to the community to be treated and live in their communities.

Ms. Walden was one of those people selected by the staff, by the treatment team as being potentially eligible for this. Therefore, she was recommended to be placed in a program that we call a community preparation unit.

Mr. HAUSMAN. And was she in fact discharged on April 25, 1978?

Dr. COHEN. Yes.

Mr. HAUSMAN. And to whose custody was she discharged?

Dr. COHEN. She was discharged to the custody, according to the record, of an Akers boarding home.

Mr. HAUSMAN. And was a guardian appointed for her at that time, to your knowledge?

Dr. COHEN. At the time of her discharge?

Mr. HAUSMAN. Right.

Dr. COHEN. I don't know if it coincided with the exact date of her discharge, but the court in Shelby County did appoint a guardian for her at or about that time.

Mr. HAUSMAN. Do you know the name of that guardian?

Dr. COHEN. I would have to venture a guess. I believe I am correct, the name was Nance, I believe.

Mr. HAUSMAN. An attorney named Larry Nance, would that be correct?

Dr. COHEN. Yes, yes.

Mr. HAUSMAN. Was her discharge on April 25, 1978, based on sound medical judgment for somebody in her condition?

Dr. COHEN. Yes.

Mr. HAUSMAN. In your opinion, why was she not released prior to that date?

Dr. COHEN. She was placed, she was recommended for placement in the community preparation unit. This is a small unit consisting of a 20-bed ward. She was placed in that unit at the recommenda-

tion of her treatment team. She stayed on that unit and was ready for discharge prior to the time she actually was discharged.

The reason her discharge was delayed is because there was difficulty in finding a placement for her in a living situation.

Mr. HAUSMAN. While you were superintendent of Western State were you ever contacted by any outside authority, including any Federal, State or county officials such as those from the FBI, Shelby County Attorney General's office, Shelby County Sheriff's Office, Memphis Police Department, Department of Justice or anybody else in an official capacity seeking to continue the confinement or commitment of Ms. Walden?

Dr. COHEN. No.

Mr. HAUSMAN. Do you know of any official pressure, suggestions or influence exerted in any attempt to keep Ms. Walden from being released?

Dr. COHEN. There were none.

Mr. HAUSMAN. Do you know of any effort officially or otherwise to silence Ms. Walden?

Dr. COHEN. No.

Mr. HAUSMAN. To your knowledge, were all decisions in Ms. Walden's case based on purely medical grounds?

Dr. COHEN. Yes.

Mr. HAUSMAN. Mr. Chairman, I have no further questions at this time.

Chairman STOKES. Thank you, counsel.

The Chair recognizes the gentleman from Indiana, Mr. Fithian, for such time as he may consume.

Mr. FITHIAN. Thank you, Mr. Chairman.

Doctor, I am not sure I understood your testimony. I thought you said that the prognosis of chronic brain syndrome was bad, that it continues to get worse over time.

Dr. COHEN. Right.

Mr. FITHIAN. And I thought you also said that Ms. Walden was suffering from that condition.

Dr. COHEN. Yes.

Mr. FITHIAN. And I thought you further said that she improved during your tenure at the institution?

Dr. COHEN. Yes.

Mr. FITHIAN. Now, do you look upon that then as a temporary improvement?

Dr. COHEN. Yes, I do. You see, the nature of the condition is to wax and wane, come and go. The patient may and frequently does improve, but it's just a sign of false hope for the patient because the lack of oxygen getting to the brain is just like a strangle around the condition, and there is no way they can improve as far as the capabilities of medical science is concerned at this time.

The course of the disease is one of a downhill course. However, it is not necessarily a rapidly downhill, although it may be. The condition can from time to time vary from mild to moderate to severe.

Mr. FITHIAN. So then what you are saying is that it would be your medical judgment that her improvement, the swing to improvement during your tenure there was a temporary thing.

Dr. COHEN. Temporary, yes, sir.

Mr. FITHIAN. Now, in April of 1978 your staff diagnosed Ms. Walden as incompetent to handle her own affairs; is that correct?

Dr. COHEN. Yes, sir.

Mr. FITHIAN. Would you comment then as to whether or not you think her, well, to rephrase that, would you tell me what your best medical opinion is of her ability to remember things?

Dr. COHEN. What it was at the time that she was in the hospital?

Mr. FITHIAN. Or at the time of her discharge.

Dr. COHEN. Well, I would say that it was poor.

Mr. FITHIAN. Mr. Chairman, I have no other questions.

Chairman STOKES. Any other Members of the committee seeking recognition?

Dr. Cohen, at the conclusion of a witness' testimony before this committee the witness is entitled to 5 minutes during which time he may in any way amplify or explain his testimony before the committee.

I will extend to you 5 minutes for that purpose at this time.

Dr. COHEN. Well, I thank you, sir, but I have nothing to say.

Chairman STOKES. Thank you very much, Dr. Cohen.

Dr. COHEN. Thank you, sir.

Chairman STOKES. Thank you for appearing. You are discharged. The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

Questions have been raised, particularly by Mr. Lane, about the conditions of Ms. Walden's confinement at John Gaston Hospital and Western State Mental Hospital.

As the result of the litigation, the committee, pursuant to a subpoena and promise of confidentiality, under the circumstances obtained the Western State records of Ms. Walden. Then, on the recommendation of the National Institution on Mental Health, the committee hired a psychiatric expert, Dr. Roger Peele, to review and evaluate the records, as well as those of John Gaston Hospital.

The committee asked Dr. Peele to determine whether Ms. Walden's hospitalization, insofar as it was reflected in the records, met accepted professional standards of reasonable care and treatment.

Dr. Peele received a Doctor of Medicine degree from the University of Tennessee in 1960. He completed his 1-year internship and 3-year residency in psychiatry at St. Elizabeths Hospital in Washington, D.C., from 1960 to 1964.

For the next 3 years, he served on the training faculty of St. Elizabeths Hospital, and from 1967 until 1969, he directed a research support unit there. In 1969, Dr. Peele became director of the Area D Community Health Center, a division of St. Elizabeths Hospital, and he worked at that job until he assumed his present position as Assistant Superintendent of St. Elizabeths Hospital in 1974.

Dr. Peele is a member of more than 20 professional psychiatric organizations. He has served as an officer with some of these groups, including a term as president of the St. Elizabeths Hospital Medical Society.

Dr. Peele has published or presented more than 30 papers concerning administrative and clinical issues in American psychiatry. He is certified in both mental health administration and psychiatry, and has served as an examiner for the American Board of Psychiatry and Neurology.

Dr. Peele is presently an Associate Clinical Professor of Psychiatry and Behavioral Sciences at the George Washington University, here in Washington, D.C.

It would be appropriate at this time, Mr. Chairman, to enter into the record as Martin Luther King exhibit F-339 Dr. Peele's report concerning Ms. Walden's hospitalization.

Chairman STOKES. Without objection, it may be entered into the record.

[MLK exhibit F-339 follows:]

MLK EXHIBIT F-339

Report Of

ROGER PEELE, M.D.

Assistant Superintendent
of
Saint Elizabeths Hospital
Washington, D. C.

Re: GRACE WALDEN

November 7, 1978

INTRODUCTION

I was asked by the House Select Committee on Assassinations to review the medical record of Grace E. Walden at John Gaston Hospital, Memphis, Tennessee, and at Western State Mental Hospital, Bolivar, Tennessee. My review took place between October 31 and November 7, 1978.

I should note that from my review of the records on Ms. Walden, I found I was not acquainted with any of the physicians or other staff members who treated the patient.

Also, it should be pointed out that this is only a review of medical records and cannot be construed as a substitute for clinical judgments arrived at through a physical and mental examination of the patient. The review can only speak to the consistency and findings of the records.

Most, although not all, of the records reviewed were legible.

JOHN GASTON HOSPITAL

The record indicates Grace Walden was admitted to John Gaston Hospital on July 8, 1968. She was brought there by her common-law husband, Charles Stephens and the police. Miss Walden was showing signs and symptoms that the staff decided were associated with psychotic depression.

It was determined that Ms. Walden had a past history of alcoholism that extended back 30 years, and she also had a history of trauma.

Ms. Walden, according to the records, was placed in seclusion, "...in order to protect her in case anyone found out that she was Charles Stephens' wife," (an apparent reference to the fact that Mr. Stephens was a witness in the Ray case). Visitors were prohibited, "...because of her husband's position."

Medication. Ms. Walden was placed on amitriptyline (Elavil), an antidepressant, 100 milligrams a day. Although she seemed to improve over the first two weeks, Ms. Walden became more disturbed toward the end of July. The diagnosis was changed to chronic organic brain syndrome associated with alcoholism, and her medication was changed to thioridazine (Mellaril), an anti-psychotic medication, 200 milligrams a day.

The medications at John Gaston Hospital were not inconsistent with the diagnoses listed. One of the medications, amitriptyline, can sometimes contribute to confusion and hallucinations, but these signs appear to have been present prior to her admission. Both amitriptyline and thioridazine were administered in relatively low dosages.

The 23-day length of hospitalization and Ms. Walden's transfer to a state hospital were not inconsistent with standard practices in American psychiatry in 1968.

Earlier Treatment at John Gaston. The records show that Ms. Walden had received treatment at John Gaston Hospital prior to 1968 in the form of medical and surgical services. For a surgical hospitalization from June 26, 1967 to July 31, 1967, it is noted that the patient "drinks heavily". During that hospitalization, for reasons not explicitly stated, the patient was given amitriptyline (Elavil) and chlorpromazine (Thorazine). This indicates there was some concurrence in medications used in 1967 and in 1968.

Ms. Walden was transferred from John Gaston Hospital to Western State Mental Hospital on July 31, 1968, because she exhibited suicidal behavior and was unable to take care of her needs.

WESTERN STATE MENTAL HOSPITAL

Diagnosis. Within a week of Ms. Walden's admission to Western State Mental Hospital, her condition was established to be schizophrenia, chronic undifferentiated type. While there is not extensive substantiation of the diagnosis, the subsequent mental status findings were not inconsistent with the diagnosis.

Medication. Early in her treatment, Ms. Walden was given fluphenazine (Prolixin), five milligrams a day, amitriptyline (Elavil), 100 milligrams a day, thioridizine (Mellaril), 100 milligrams a day, and phenobarbital, 60 milligrams each evening.

The rationale behind this combination is not stated, and it was discontinued after 18 days. It can be stated, however, that administering fluphenazine, amitriptyline and thioridazine is consistent with the treatment of schizophrenia. As for phenobarbital, it is a commonly used sedative.

For the remainder of her hospitalization, Ms. Walden was given medications consistent with schizophrenia and depression. The dosages were in the relatively low range. For example, the normal dosage range of imipramine (Tofranil) is 50 to 300 milligrams a day; Ms. Walden was placed on 75. At times, however, she was put on up to three medications that were similar in action, so the combination would be additive in many respects. But, even with the additive effect, the total amount of medication was not inconsistent with that given for chronic undifferentiated schizophrenia.

It was unclear from the record why three, rather than one, medications were given, although it is not an uncommon practice in American psychiatry to use two or three antipsychotic medications at one time.

During Ms. Walden's last couple of years of treatment, she was given just one psychiatric medication. It was perphenazine (Trilafon) in relatively low dosages - first 12 milligrams, later eight milligrams a day.

Whether Ms. Walden sustained any long-term detrimental effects from her medication is not clear. "Constant movement of her mouth" and "chewing" are symptoms noted in her record,

suggestive of a complication called "tardive dyskinesia", though it is not very clear that this was thoroughly explored and there is no indication that it was bothering the patient.

Therapies. In addition to medication, Ms. Walden participated in a number of activity therapies at Western State, including occupational therapy, recreational therapy, music therapy and work therapy (for which there was some compensation). She was also active in Alcoholics Anonymous at one time or another.

As Ms. Walden's condition improved, she was relocated within the hospital - a total of seven times before she was discharged.

Medical Treatment. Ms. Walden received a number of medical treatments in addition to psychiatric care at Western State. She was given an antituberculosis medication for a year, apparently as a result of a positive skin tuberculosis test. In about the third year of her hospitalization, she was diagnosed as having diabetes and was placed on diabetic medications and diets for the rest of her hospitalization.

The record does not show any electroconvulsive treatments, nor does it show any psychosurgery.

Duration of Hospitalization. Ms. Walden's hospitalization of 10 years is not uncommon for a patient with a diagnosis of either chronic organic brain syndrome associated with alcoholism or chronic undifferentiated schizophrenia, when there is no other community institution - such as a family or a nursing home - available to the patient. While many psychiatric

hospitalizations are completed in 10 days, not 10 years, some patients with organic brain syndromes or with schizophrenia need social support and protection indefinitely. It may only be available in a hospital.

Within a year of Ms. Walden's hospitalization, notes were appearing in her record to the effect that she could leave Western State when social supports could be found. Her own attitude toward leaving the hospital is not clear, since the record appears to show that at times she wanted to leave, and at times she wanted to stay.

Ms. Walden's release from Western State was complicated by the fact that she would need support in avoiding alcohol and in maintaining her diabetic treatment, in addition to satisfying her basic needs and comfort.

There is one notation in the record that suggests that Ms. Walden's role as a witness to events surrounding the King assassination may have been a factor in the length of her hospitalization. On March 17, 1978, five weeks before her discharge, it was recorded, "...that due to current interest in King, it may not be safe for her to be discharged."

Discharge. The patient was discharged to a structured setting in the community on April 25, 1978. She was to receive Social Security payments of \$177.80 a month, and her psychiatric care was to be monitored by a clinic in Memphis.

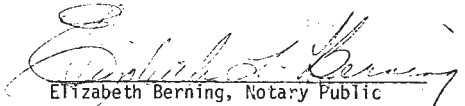
The conditions of Ms. Walden's discharge were consistent with those for patients with chronic undifferentiated schizophrenia.



Roger Peele, M.D.
Assistant Superintendent
Saint Elizabeths Hospital
Washington, D. C. 20032

IN THE DISTRICT OF COLUMBIA) ss:

Sworn to and subscribed before me this 13th day of
November, 1978.



Elizabeth Berning, Notary Public

My Commission expires: 9/15/82

Mr. BLAKEY. A summary of Dr. Peele's report may be given as follows:

The treatment and medication afforded Ms. Walden were, in general, consistent with her diagnosis and fell well within the acceptable standard of psychiatric care. In addition, according to an examination of her records, Ms. Walden's medical history was consistent with her subsequent diagnosis.

Concerning her transfer from John Gaston Hospital to Western State Hospital, Dr. Peele stated:

"The 23-day length of hospitalization and the transfer to a State hospital were not inconsistent with the psychiatric practices in American psychiatry in 1968."

Ms. Walden made her most recent statement concerning the events surrounding the assassination of Dr. King just 3 months ago in an appearance with Rev. James Lawson on the August 15, 1978, edition of the NBC television program, Today.

Ms. Walden told Today correspondent Don Harris that on April 4, 1968, her husband, Charles Q. Stephens "was so drunk that he couldn't see his own face, let alone anyone else's." She then explained that:

Charlie picked James Earl Ray out. I don't think the man looked anything like him. In the first place, I think he was a nigger.

Mr. Harris: You mean the man you saw——

Ms. Walden. Was a nigger.

Mr. Chairman, it would be appropriate to include in the record at this point as Martin Luther King exhibit F-340 the transcript of Ms. Walden's appearance.

Chairman STOKES. Without objection, it may be entered into the record.

[MLK exhibit F-340 follows:]

MLK EXHIBIT F-340

RADIO TV REPORTS, INC. *N*

4435 WISCONSIN AVENUE, N.W. WASHINGTON, D.C.

FOR NATIONAL BROADCASTING COMPANY

PROGRAM The Today Show STATION NBC TV
NBC Network

DATE August 15, 1978 &:00 AM CITY Washington, D

SUBJECT Probe of Assassination of Martin Luther King

TOM BROKAW: Yesterday, as you no doubt heard in the news, the Assassinations Committee of the House of Representatives began its first formal investigation hearings into the murder of Dr. Martin Luther King, Jr. Tomorrow in Washington, James Earl Ray, convicted in the assassination of Dr. King, will be testifying. We're going to be hearing a lot in the days ahead from the usual coalition of black leaders and lawyers representing James Earl Ray, suggesting that he was not, in fact, guilty alone, that he was part of a larger conspiracy to kill Dr. King.

Well, NBC News correspondent Don Harris has been looking into these claims, and this morning here on "Today," he has this report.

DON HARRIS: Under the terms of the law, James Earl Ray is guilty of killing Martin Luther King, Jr. In March of 1969, he entered a guilty plea and was sentenced to 99 years in prison. At the trial, the District Attorney told the court that he had a witness who saw Ray run from this bathroom, from which the killing shot was fired, down this hallway toward the stairs.

Outside the building and just a few feet down the street in front of this store, a bundle was discovered. In the bundle there was a rifle with one fired cartridge casing in the chamber. Ray's fingerprints were on the rifle, and it was of the same caliber of that used in the assassination.

Also in the bundle were several other items, including binoculars and some clothing that belonged to James Earl Ray.

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Ray acknowledges that he was in Memphis, that he bought the rifle, that the other articles in the bundle were his, and even the fact that he rented a room in the boarding house, #5, just down the hallway from the bathroom from which the shot was fired.

Now, James Earl Ray says he did not kill Martin Luther King, that though he didn't know it at the time, he was involved in the conspiracy, but that he didn't pull the trigger. Two men to whom Ray had written letters denying that he was the assassin went to visit Ray in prison last week: the Reverend Jesse Jackson, who was on King's SCLC staff and travelling with him in Memphis, and the Reverend James Lawson, who organized the marches in Memphis in 1968. After they had talked to Ray, I asked if they believed he was the killer.

REVEREND JAMES LAWSON: I do not.

REVEREND JESSE JACKSON: I have profound doubt that he killed Dr. King. I am convinced that he was not involved alone.

HARRIS: We went with Reverend Lawson back to Memphis, Tennessee, walked again through the neighborhood where King was killed. We went to talk to some witnesses that Lawson believes could prove Ray was not the killer.

REVEREND LAWSON: We have witnesses who say that James Earl Ray was not in the boarding house or in the bathroom when the shot was fired.

HARRIS: The witness who could testify that Ray was not the man in the bathroom, said Lawson, was Grace Walton. When King was killed, she lived in the room next to the bathroom from which the shot was fired. It was her common law husband, Charlie Stevens, who told police that he saw Ray run from the bathroom. Grace Walden says Stevens was lying.

GRACE WALDEN: Charles Stevens was so drunk he couldn't see his own face, let alone anybody else's.

HARRIS: But you could see the man pretty good.

WALDEN: Yes.

HARRIS: Was the man James Earl Ray?

WALDEN: No.

HARRIS: Several witnesses agree with Grace Walden that Charlie Stevens was drunk at the time of the shooting. But Grace

Walden and Charlie Stevens have told different stories at different times. Walden said in a statement made on the night of the shooting that the man she saw run from the bathroom was a white man not much taller than she is. She reportedly told the FBI she saw nothing. Now she says:

WALDEN: Charlie picked James Earl Ray out. I don't think the man looked anything like him. In the first place, I think he was a nigger.

HARRIS: You think the man you saw....

WALDEN: Was a nigger.

MARK LANE: She was destroyed by the state of Tennessee as a witness.

HARRIS: Mark Lane, James Earl Ray's attorney, says the contradictions in Grace Walden's statement are understandable because of the heavy dosages of drugs she was given at a mental hospital. Lane says Grace was put into a mental institution and kept there for nine years because she refused to identify Ray as the man in the bathroom.

LANE: The hospital records show that when she was placed in the institution they decided she probably should be kept there until after the trial of James Earl Ray. That's some medical diagnosis.

HARRIS: There were other witnesses Reverend Lawson and Mark Lane thought we ought to talk with.

REVEREND LAWSON: We now have three -- the affidavits of three Memphis witnesses who saw him at the gasoline station approximately between the hours of 6:00 -- of 5:15 and 6:30.

HARRIS: Ray's lawyer showed us transcripts of taped conversations with two people who said they saw Ray at a service station at the time of the murder. But when we attempted to talk with those witnesses, we found that one had died of natural causes a few days ago. The other denied ever making such a statement, or that he'd ever seen James Earl Ray. Still, there is that taped conversation. The third no one could find, not Reverend Lawson, not Ray's attorney, and not us.

Reverend Lawson and Jesse Jackson and a number of other people still believe James Earl Ray should have a new trial. They believe there was a conspiracy to murder Martin Luther King and that the FBI was somehow involved.

REVEREND LAWSON: The many memos and strategies of the FBI to disrupt, to destroy -- and I'm using words from

their memos -- the civil rights movement, to neutralize and destroy the character of Dr. King, and so forth. So that at least in my own mind, I suspect that the FBI had some involvement in the death of Dr. King, in the assassination of Dr. King.

HARRIS: Really, Reverend Lawson?

REVEREND LAWSON: They had the best -- they had, by all means, the best motive.

HARRIS: Mark Lane says that his client, James Earl Ray, had no motive, that Ray is not a racist. Reverend Lawson, incidentally, agrees. Lane said that Ray had been forced by law enforcement officials to enter a plea of guilty.

LANE: In fact, if you would ask James Earl Ray today "You say you didn't do it; why should I believe you?" his answer would be, as it has been on numerous occasions in the past, "You shouldn't believe me; we should have a trial."

HARRIS: If Ray were convicted in a new trial, either of pulling the trigger or of knowingly taking part in the conspiracy to kill King, he could be executed. If Ray were acquitted in a new trial, the case would be unsolved and reopened.

In any event, for those people who believe that the truth about the murder of Martin Luther King has never been told, a new trial seems to be the best way to get at that truth.

Don Harris, NBC News, Memphis, Tennessee.

BROKAW: Almost seven minutes before the hour now.

Mr. BLAKEY. Mr. Chairman, the committee staff has received a letter dated October 8, 1978 from Mr. Duncan E. Ragsdale, Jr., an attorney at law in Memphis, Tenn., directed to the staff.

With your permission I would like to read certain excerpts from it, and to include the letter and its attachments in the record at this point as Martin Luther King exhibit F-341.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[MLK exhibit F-341 follows:]

MLK EXHIBIT F-341

DUNCAN E. RAGSDALE JR.

ATTORNEY AT LAW

SUITE 1030 100 NORTH MAIN BUILDING

MEMPHIS, TENNESSEE 38103

(901) 525-8161

November 8, 1978

Honorable G. Robert Blakey, Esq.
Chief Counsel Select Committee on
Assassinations, U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, D. C. 20515

Re: Grace Walden

Dear Mr. Blakey:

Thank you for introducing me to the U. S. District Court.
It proves that chivalry is not dead.

Mr. Wolf called me about Grace Walden testifying on 14 November 1978. Enclosed is a copy of the order appointing Mark Lane and me co-guardians of Grace Walden. Also enclosed is a copy of the order declaring Grace Walden non compos mentis. We are guardians of the person and property of Grace Walden and anything done in relation to the ward must be done with the approval of both guardians. Mark Lane is unable to act alone in this matter.

Mr. Wolf informs me that the committee wishes Grace to appear on 14 November 1978. Mark Lane and I have not decided whether she should appear or not. We will discuss the matter with Judge Evans. However, the only way that Grace Walden will appear is if the following is agreed to by you:

1. Mark Lane, Grace Walden and I receive round-trip air tickets to D.C.;
2. Grace or either Mark or I are allowed to make an opening statement; and
3. Mark Lane and I are allowed to present affidavits, statements, medical records, etc. in rebuttal after Grace has testified.

Please inform me of your willingness to comply on these three points so that we may make our own decision. Please let me know this week.

Yours truly,


Duncan Ragsdale

DR/ch

cc: Mr. Mark Lane

cc: Mr. Mark Lane
Honorable Joseph W. Evans, Judge

IN THE PROBATE COURT FOR SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE, ex rel Department)
 of Mental Health and Mental Retardation,)
 Western Mental Health Institute, Morris)
 D. Cohen, M.D., Superintendent, NEXT)
 FRIEND in BEHALF OF:)
 GRACE E. WALDEN, a/k/a GRACE STEPHEN,)
 Incompetent Patient at Western Mental)
 Health Institute)

C.A. # A-1883

ORDER FOR
 APPOINTMENT OF GUARDIAN

THIS CAUSE CAME ON TO BE HEARD on the 28/27 day of April, 1978, upon the petition of Morris D. Cohen, M.D., Superintendent of Western Mental Health Institute, acting as next friend for Grace E. Walden a/k/a Grace Stephen a/k/a Grace L. Hays, non compos mentis.

It appearing to the court that the competency of Grace E. Walden was removed by the Shelby County Probate Court on July 31, 1968, I.D. #12808 and that she is still incompetent as confirmed by the affidavits of Dr. Priscilla C. Guia and by the testimony and affidavit of Dr. Thomas Rayburn, both Tennessee licensed physicians, each of whom has practiced medicine for at least three years;

It further appearing to the court from the testimony of Debra Barrett, Western Mental Health Institute Social Worker, that diligent inquiry has been made but no relative of Grace E. Walden has been discovered within Shelby County; that Western Mental Health Institute is preparing to discharge Mrs. Walden from the Institute to a placement site in Shelby County;

It also appearing that it is in the best interest of Grace E. Walden that a local guardian be appointed to protect her personal and property interests; that Garry Hance, attorney and member of the local bar, has qualified before this Court and consents to serve in this capacity.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED THAT:

1st, That Grace E. Walden, a/k/a Grace Stephen and Grace Hays, is presently incompetent;

2nd, That Garry Hance, attorney and member of the bar, is hereby appointed general guardian of said Grace E. Walden;

3rd, That bond be set at two thousand dollars.

4th, That Letters of Guardianship be issued forthwith.

Enter this 21st day of April, 1978.

Joseph M. Hance
JUDGE

APR 21 1978

APPROVED:

Margaret H. Tucker
Margaret H. Tucker, Attorney

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE

IN THE MATTER OF:

NO. A-1883

GUARDIANSHIP OF GRACE E. WALDEN,
a/k/a GRACE STEPHEN

ORDER SUBSTITUTING GUARDIANS
AND TAKING PETITION FOR CONTEMPT UNDER ADVISEMENT

This cause came on to be heard on Monday 22 May 1978 on the petition of Larry H. Nance, Guardian of Grace E. Walden, for Citation of Mark Lane for Contempt of Court. From testimony given in Open Court, statements of counsel and the entire record in this cause the Court finds:

That the Petition for Citation for Contempt should be taken under advisement.

That at the hearing Mark Lane offered to serve as Co-Guardian for Grace E. Walden along with Larry H. Nance but because of Mr. Nance's petition to hold Mr. Lane in Contempt, Mr. Nance suggested that the two could not serve amicably together and suggested that he, Mr. Nance, be removed. Whereupon the Court, needing a Guardian residing in Tennessee, picked Duncan Ragsdale, a Tennessee Resident and attorney. Furthermore, the Court finds that Larry H. Nance has acted in a dilligent and competent manner in his capacity as Guardian. The matter of Mr. Nance's fee should be reserved.

That Mark Lane, a resident of the State of California, and Duncan Ragsdale, a member of the Bar of Tennessee and Tennessee resident, should be substituted as Co-Guardians of the person and property of Grace E. Walden in place of Larry H. Nance .

THEREFORE, it is hereby ordered, adjudged and decreed that the Petition of Citation for Contempt is taken under advisement,

Larry H. Nance is discharged as Guardian of Grace E. Walden, the matter of Mr. Nance's fee is reserved and Mr. Nance is relieved of the responsibility of filing an accounting. Mark Lane and Duncan Ragsdale are appointed Co-Guardians of the person and estate of Grace E. Walden and said Co-Guardians shall post a bond in the sum of \$2,000.00 for the faithful performance of their duties. On posting bond and qualifying, the Clerk of the Court shall issue Letters of Guardianship.

JUDGE Joseph W. Evans

DATE: May 25-1978

APPROVED:

LARRY H. NANCE

MARK LANE

DUNCAN RAGSDALE

A TRUE COPY ATTEST
B. J. DUNNivant, Clerk
BY B. J. Dunnivant D.C.

Mr. BLAKEY. We don't have it but it will be delivered in the morning.

The letter is directed to me.

It is in re: Grace Walden. The letter reads as follows:

"Mr. Wolf"—who is the deputy chief counsel of the legal unit for the committee—

Called me about Grace Walden testifying on 4 November 1978. Enclosed is a copy of the order appointing Mark Lane and me co-guardians of Grace Walden. Also enclosed is a copy of the order declaring Grace Walden non compos mentis. We are guardians of the person and property of Grace Walden, and anything done in relationship to the ward must be done with the approval of both guardians.

The next paragraph reads as follows:

Mr. Wolf informed me that the committee wishes Grace to appear on 14 November 1978. Mark Lane and I have not discussed whether she should appear or not. We will discuss the matter with Judge Evans. However, the only way that Grace Walden will appear is if the following is agreed to by you:

1. Mark Lane, Grace Walden and I receive roundtrip air tickets to D.C.
2. Grace or either Mark or I are allowed to make an opening statement; and
3. Mark Lane and I are allowed to present affidavits, statements, medical records, et cetera, in rebuttal after Grace has testified.

Following the receipt of that letter, Mr. Chairman, Mr. Wolf was in contact with Mark Lane. He arranged with Mark Lane the service of a subpoena on the guardian be as service on the ward. He also arranged hotel accommodations here in Washington and arranged to have airplane tickets made available to Mark Lane, Grace Walden, and Mr. Ragsdale.

Also, in response to a specific request, arrangements were made to pick up Mrs. Walden at the airport in order that she could be transported to the hotel.

Subsequently, Mark Lane called Mr. Wolf and cancelled the arrangements, indicating that Mark Lane would take care of the matter himself.

Mr. Chairman, it would be normal at this point in the record for me to suggest that it would be appropriate to call Grace Walden Stephens, as a witness.

In light of the testimony taken this afternoon, particularly the doctors', I think it would be highly inappropriate to call Mrs. Walden, for no useful purpose would be served by asking her any questions, in light of her medical record.

Nevertheless, I understand that Mr. Ragsdale and Mr. Lane are present in the hearing room and it might be appropriate to ask Mr. Ragsdale to testify at this point on the circumstances of his guardianship and the meaning of the letter of November 8.

I would suggest, Mr. Chairman, it would be appropriate at this time to call Duncan E. Ragsdale.

Chairman STOKES. The committee will call Mr. Ragsdale.

Mr. RAGSDALE. Mr. Chairman, since Mark Lane and I are the co-guardians of Grace Walden, as appointed by Judge Evans of the Probate Court of Shelby County, and since neither Mr. Lane nor I acting separately can really and truly act for Grace Walden, I would ask the chairman to allow Mr. Mark Lane to come forward and to assist me in making the statement we would like to make before this committee.

Chairman STOKES. The committee has no objection to Mr. Lane joining you at the table.

Will both of you gentlemen stand and be sworn?

Raise your right hand. Do you solemnly swear the testimony you give before this committee is the truth, the whole truth and nothing but the truth, so help you God?

Mr. RAGSDALE. I do.

Mr. LANE. I do.

Chairman STOKES. Thank you. You may be seated.

Mr. Ragsdale, do you want to make a statement to the committee with reference to your communication to Mr. Blakey just referred to by Mr. Blakey?

TESTIMONY OF DUNCAN RAGSDALE AND MARK LANE, CO-GUARDIANS OF GRACE WALDEN STEPHENS, ALLEGED WITNESS TO THE ASSASSINATION

Mr. RAGSDALE. Well, let me say this first: Mark Lane and I were appointed by the probate court of Shelby County, Tenn. on the same day. Mark Lane's appointment came as a result of Judge Evans' suggestion that Mark Lane serve as Grace Walden's guardian. At that time, Mr. Larry Nance had been the court-appointed guardian and there was such a conflict with Mr. Nance that Mr. Nance asked permission to be withdrawn as the guardian.

At that point, Judge Evans asked Mr. Lane if he would serve as guardian of Grace Walden. Mr. Lane agreed to do that. Then Judge Evans realized that Mr. Lane was not a resident of Shelby County or of the State of Tennessee and that it was necessary to have a co-guardian who was a resident of Shelby County and the State of Tennessee; at which time it was decided—there were several other lawyers in the courtroom, but he asked that I serve as the co-guardian of Mark Lane—with Mark Lane—although Mr. Lane may need a guardian from time to time.

I had not met Mr. Lane at that point and I did not know anything of Grace Walden or the circumstances surrounding her going to the hospital or her involvement in the Martin Luther King assassination. I had never met Mr. Lane before that day.

I have no interest in the James Earl Ray case. I did appear, or I came to Washington during the hearings when James Earl Ray testified, but I am not Mr. Ray's lawyer and I have no interest in the case, but I am coguardian of Grace Walden.

I would also point out to the committee that I have not received a subpoena to be here, although I think it was my duty to be here today; and what I would like to do is go into the medical records of Grace Walden and present to the committee an affidavit of Wayne Chastain, who was the first person to interview Grace Walden at approximately 6:30 on April 4, 1968.

I believe Mr. Lane has a statement to make.

Mr. LANE. Mr. Ragsdale and I independently made the determination that we would not bring Grace Walden with us here today. I notice Mr. Blakey said it is only after hearing all the testimony that he came to the same conclusion. That is a statement which is somewhat suspect since, of course, all of those who testified here today were interviewed previously by staff counsel and were all aware of what they were going to say before they came here. So it is difficult to believe that Mr. Blakey has spoken accurately.

In any event, I did speak with Judge Evans, the judge of the probate court of Shelby County, at 10:25 this morning. I told him what was taking place here. I read him some of the statements that Mr. Blakey had made at that time, an indication also that there was a release through the testimony, public release of the portions of the record of Grace Walden which the judge of the probate court gave to this committee, with his prayer, with his urgent, earnest request written into the orders that you not ever release that publicly because of the terrible damage it could do to this woman who had been locked up for 10 years; and you violated that request of Judge Evans by reading those documents into the record and reading portions of a criminal record, not just convictions but arrests, into the record.

And how different that was when Percy Foreman was here, who was arrested for conspiracy to obstruct justice, and you never asked him about that—conspiracy to betray his client.

Chairman STOKES. Mr. Lane, the committee is willing to receive from you any evidence or any discussion, any dialog you have with reference to Grace Walden, but not for other purposes. I will ask you to please confine yourself to that.

Mr. LANE. Judge Evans wanted me to read this statement to your committee today. I spoke with him at 10:25 this morning. He is the probate court judge for Shelby County. He said:

I am glad that you and Mr. Ragsdale did not take Grace Walden with you to Washington, It would have been a terrible thing for her to have to go through hearing those things said about her. You can tell the committee that I have the same opinion of you and Mr. Ragsdale, that she should not appear before that committee in Washington.

You have, in making reference to Grace Walden, stated that she was arrested for driving while intoxicated, when you know that the very attorney of this committee who was questioning witnesses was also arrested while driving while intoxicated in Memphis in investigating the Grace Walden matter.

You have talked about her being psychotic, yet here's a record of a hospital which shows the attorney assigned by the court to represent James Earl Ray, the same man who represented Charles I. Stephens, and had his own client put in jail, to force him to testify against Ray, is psychotic, was psychotic at that time—Mr. Ray's lawyer—but that has not been raised.

I would just like to make this last comment to you: In my view, you have violated the Federal law by revealing these records, contrary to law, as you know, because a brief which I submitted to this committee indicated that you would be doing that by publicly releasing documents about her.

You have violated the spirit of the orders of Judge Evans when he gave you those documents.

You have violated the confidential relationship between doctor and patient by eliciting testimony from doctors.

Certainly you have violated the confidential relationship between attorney and client by having her own attorney come forward, a man who had represented her ostensibly, certainly according to the record, and without a waiver from her, asked him to reveal questions about his attorney/client relationship.

And, in my view, you have violated ordinary standard conduct governing decent behavior in your effort to destroy Grace Walden. Mr. Blakey has made numerous false statements about her.

Until this moment, although I have closely observed this committee, until this moment I could not accurately gage the extent and the depth of your cruelty. I know Grace Walden well. She has lived with my family for 6 months; she has had no drugs in the last 6 months, and she is living a normal life. She is doing clerical work, answering the telephone, making dinner for herself and others, caring for a child, caring for a dog and for a cat, going to church regularly. She is living a normal life now that she is out of "Gulag" Bolivar in Tennessee. She is a decent human being whom you have sought to destroy before the American people for your own purposes. She is a decent human being who has suffered for 10 years in that institution because she would not lie, because she would not cover up the facts about the death of Dr. King. She had that kind of character, and America would be a better place today if one of you had that same kind of character. You do not, and you all, all of you, make me ill.

[Mr. Lane exits the hearing room.]

Chairman STOKES. Mr. Ragsdale, have you anything further?

Mr. RAGSDALE. Yes, I do, Mr. Stokes.

I don't know whether you are aware of it; I think your investigators should be aware of the fact that on the 4th day of April 1968, Wayne Chastain, a newspaper reporter for the Press Scimitar, was on duty for the Press Scimitar and interviewed Grace Walden between 6:30 and 7 o'clock on that day. As a matter of fact, Mr. Chastain tells me that he was the first person to take a statement from Grace Walden, even before the police arrived.

On November 13, 1978—

Chairman STOKES. Let me interrupt you. I would just like to have the record reflect that your coguardian, Mr. Lane, has left the hearing room voluntarily. You may proceed.

Mr. RAGSDALE. That is better than having him ejected involuntarily, I think.

Chairman STOKES. Well, he can get that if he wants that accommodation, too.

Mr. RAGSDALE. On April 4, Mr. Chastain was a newspaper reporter and, as I said, was the first person to interview Grace Walden after the shot was fired.

On November 13, 1978, Mr. Chastain gave me this affidavit and I will read it into the record, if there is no objection:

Wayne Chastain deposes and says:

On April 4, 1968, as a newspaper reporter for the Memphis Press Scimitar, I visited with Grace Walden between 6:30 and 7:30 p.m.

Grace described to me the man who came from the bathroom of the rooming house as being short, wiry; short, crewcut, salt and pepper hair, wearing colored plaid shirt and military jacket.

Grace appeared sober but weak; she appeared coherent and in control of her faculties.

Charlie Stephens came in while I was in the room. Charlie was staggering drunk and told me, "I saw who done it and it was a nigger." Grace said that Charlie didn't see anything. Signed, Wayne Chastain.

I have an original and copy of the affidavit, if the committee would like to receive this into evidence.

Mr. RAGSDALE. Mr. Chastain is available. I understand the fact that he has information about the assassination is available to the—has been available to the committee staff. I wonder why Mr. Chastain has not been called, since he was the very first person to talk with Grace Walden.

Chairman STOKES. Would you like to have that affidavit made a part of this record?

Mr. RAGSDALE. I certainly would.

Chairman STOKES. Without objection, it may be so.

[The information follows:]

A F F I D A V I T

STATE OF TENNESSEE :
COUNTY OF SHELBY :

Wayne Chastain deposes and says:

On 4 April, 1968, as a newspaper reporter for the Memphis Press Scimitar, I visited with Grace Walden between 6:30 and 7:30 p.m.

Grace described to me the man who came from the bathroom of the rooming house as being: short, wiry, short crew cut, salt and pepper hair, wearing colored plaid shirt and military jacket.

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Charlie Stevens came in while I was in the room. Charlie was staggering drunk and told me "I saw who done it and it was a nigger." Grace said that Charlie didn't see anything.

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Wayne Chastain
Wayne Chastain notes

Personally appeared before me, Wayne Chastain, and made oath that the facts contained in the foregoing are true to the best of his knowledge, information and belief. *Nov 13, 1978*

Shenan E. Rogers
Notary Public

My Commission Expires:

Oct 20 1979



Mr. RAGSDALE. Now I have before me a copy of the medical record of Grace Walden while she was kept at Western State Hospital, and in reviewing the record I find some serious problems that the committee may not be aware of, and I want to bring those problems to the committee's attention.

The first problem is that the record is incomplete. I assume that the committee has the same record I have.

I will call the committee's attention to the social service fact-sheet, or the social case history. The first entry of the social case history is dated August 16, 1968, and it is made by Pam U. Horn, a social worker, as I understand this is a normal procedure at Western State Hospital, for the social worker to make entries in the file, just as well as the doctors and the nurses and anyone who has anything to do with the case.

The first entry is August 16, 1968. The next entry in my file is July 28, 1975. Now the entries that are made here are the type of entry that would indicate contact with family, plans for placing the ward somewhere in the community. I don't know why 5 years of the social case history is missing out of my file. I would be interested to know if it is missing out of your file, too.

I would like to read some of the entries in the social case history dated November 5, 1976. This is made by Susan Gats, the senior social worker:

Due to the situation surrounding her admission, worker is unable to contact her relatives to send money.

It should be noted that Mrs. Walden cannot go on any trips to Memphis but can go to Jackson on picnics.

I would like to ask Dr. Cohen to answer why that is so. No one has asked him that.

Let me call the committee's attention to the social case history, February 16, 1977, under "Family."

"Patient sent a Christmas card to her father, James Hayes, but it was returned."

Well, obviously because he was dead at the time.

Presently we have no known or living relatives from Mrs. Walden. Due to circumstances revolving around her admission, the social worker will make no attempts to locate family members unless otherwise instructed. All visitors must be screened by the superintendent.

Now your file has the same correspondence that my file does, and Mr. Blakey has entered certain letters, certain correspondence, into the record, but I would like to point the committee's attention to some other correspondence that indicates there were family members that were known.

In my file is a letter from Nancy Hickson, on September 20, 1968, received at Western State Hospital September 23, 1968, to the hospital administrator, Western State Hospital, Bolivar, Tenn.

DEAR SIR: I recently received a letter from my aunt, Mrs. Grace Hayes Stephens, telling me she was a patient in your hospital. She requested that I send her some spending money and some clothes. I sent her \$10 but no clothes, since I do not know her size, and suggested she send me a list of what she needed. I would like very much to know her medical and mental status and what her prognosis is, if this is possible. I have two other nieces who live in Memphis who are her closest relatives, with the exception of her father, who is 92 years old and in a nursing home.

Any information you could send me I would appreciate, and also if there is anything she needs in the way of clothing.

Thank you sincerely,

NANCY HICKSON.

Now her address is 916 South Manhattan Place, Apartment 20, Los Angeles, Calif.

Now the letter that Dr. Druff wrote back that has already been entered as an exhibit, is dated October 1, 1968, which describes her condition.

January 13, 1969, Floy Carlin, a social worker—now, remember, in my record there is no social case history from 1968 until 1975; five years, there is no record. Every year after 1975 there is a record and case history; however, there are social workers there and Floy Carlin, who is a social worker, wrote James Hayes on January 13, 1969, saying that “Your daughter has improved and we are ready to discharge her.”

Now remember there are two nieces living in Memphis and this one lady in California who has already made an inquiry.

The next attempt to contact Nancy Lou Hickson is made March 31, 1969. This letter is not offered in evidence, and I would like to read this very revealing letter to you. It is addressed to Mrs. Nancy Lou Hickson, Paragoula, Ark., regarding Grace Walden.

DEAR MRS. HICKSON: Your aunt has improved and is now ready to be discharged. We wonder if you are in a position to make plans for her to return to your community, as she has expressed a desire to do so. We are aware her father is in a nursing home there and she would like to be near him.

We shall appreciate hearing from you very soon regarding this matter.

Yours very truly,

FLOY CARLIN, *Social Worker.*

I would ask this committee why, when they have an address on Nancy Hickson of 916 South Manhattan Place, Apartment 205, Los Angeles, Calif., why—and that is in this file—why they send the letter to Paragoula, Ark.?

There are two nieces in Memphis. Why was no effort made to contact the two nieces in Memphis? Maybe there was, but we don't know, because the social case history is missing. Unless, you have that and Western State didn't give that to me.

I would like to point the committee's attention to some of the interesting matters that are found in medical records. For example, I notice that Mr. Dodd earlier today went into Dr. Slechta's notes, but he neglected to read to the committee one other note that I would like to read to the committee, and that is found on the first page, and it is the second note down:

“Because of severity of symptoms and hallucinations, this looks like psychotic depression. Physical condition also appears poor.”

There is the statement I want the committee to hear: “No visitors because of husband's position. Probably needs further hospitalization until trial is over.”

“Probably needs further hospitalization until trial is over.”

The first day this lady came to the hospital—and this doctor has concluded that Grace Walden will need hospitalization at least until the trial is over—it is a very scientific analysis of her condition.

Chairman STOKES. Mr. Ragsdale, you, of course, are aware of the fact that in a public hearing, because of time constraints, we

cannot make reference to every medical entry on the medical records. Would you, in the interest of fairness, agree upon all the records being made a part of the written record here?

Mr. RAGSDALE. Provided my coguardian, Mark Lane, will also agree to that.

Chairman STOKES. Well, then he has abandoned the hearings. Are you able to speak?

Mr. RAGSDALE. Mr. Stokes, I am not really able to commit Mr. Lane. I would say this: I am not going to take too much more of your time. I would like to read a couple more entries that I don't think the committee—although the staff is aware—I don't think you and the rest of the committee are actually aware of the entries. I think they are very illuminating and I won't take too much more of your time.

Chairman STOKES. You may proceed.

Mr. McKINNEY. Mr. Chairman, if I may interrupt for just a moment, I think the gentleman makes an assumption which I consider relatively insulting. The committee is every bit as aware and has the records in front of them.

Now I would like the gentleman to proceed from that point.

Mr. RAGSDALE. I will be glad to, Mr. McKinney.

I would like to call the committee's attention to the medical progress record of January 6, 1969, under Disposition. Remember now, in September we got a letter from Nancy Hickson saying she is interested in the two nieces in Memphis. Here's what is read here:

Disposition: There is seemingly nobody who is interested in her and even if she has a nonpsychotic diagnosis, we should keep her here until the time when we find somebody who would take her, at least for a time, and give her a home. She will give us addresses of sisters and brothers and after we have it our social service will get in contact with them. However, we have very little hope that we will ever get her out of here because she will deteriorate relatively fast in a short time. Provided she only has at the moment a behavioral reaction, we may have to call it psychotic reaction anyway.

I don't understand that. I really don't.

Here's another entry, March 28, 1969—I am going to start in the middle of it:

The patient will probably be a ward of the State of Tennessee in years to come but as long as she can function outside we should find someone in the community for her to live with, so that she can make an adjustment outside. There are some legal complications about her and the matter of Dr. Martin Luther King's assassination, but since this has been solved in Memphis, I think she will be left alone.

Now later on she had some money coming to her, so this could be used in a boarding house situation, in a nursing home or with a relative.

Now I would like to point out to the committee the fact that when her father died, he left her 25 acres in Arkansas, and the superintendent of the hospital went into court and had himself appointed a guardian for the purpose of selling her property and paying that money into the State of Tennessee, and not using it for her to go to a boarding house.

Here again, August 2, 1971:

Continued hospitalization with occupational therapy. The patient could be discharged but since there is no one to care for her, she would probably deteriorate rapidly. For that reason she ought to be kept in Hartmann Home, too.

Now I want to point out a couple of other entries, if I might:

Here is a Miscellaneous Progress Record—incidentally, I will also point out to the committee that this Miscellaneous Progress Record begins in 1973. What happened to all the progress records prior to 1973? I don't have any in my file, no progress records prior to 1973.

So, I think Dr. Cohen could answer that question.

Here is an interesting entry:

JULY 12, 1977.

Call came from the Medical Records Librarian, wanting some information on Grace for the hospital administrator to give to a reporter. I asked Mr. Keller if I should get a consent to release information form signed and it was agreed I should try. However, Grace said she did not want any information given out about her.

Then Mr. Solar called, wondering whether Grace herself would talk to a reporter. A reporter, Charles Cobb, of the National Inquirer, wanted to know this.

Grace stated if her talking to a reporter would help James Earl Ray, she would talk to reporters. This was reported back to Mr. Solar who then wanted Grace's competency reviewed.

That is a splendid reaction, to review her competency because she is willing to talk to a reporter.

Mr. Solar is there at the hospital. I think his reasons and motivations for this are very interesting, and I wonder why the committee hasn't called him.

All throughout this record there are references to the fact that this lady is able to leave the hospital and start resuming a normal life, but for her legal involvement, all throughout the record. Not only does she have a medical problem but she has legal problems. Reference after reference in this record, that we have to check with the administration to see if she can—if it's safe to let her go. Notice, she can't go to Memphis for any outings but she can go to Jackson, Tenn. I don't understand that. I think the only people that can testify to what that means is Dr. Cohen and the other administrators.

I have seen Grace Walden on numerous occasions since she was released and I must say this to the committee, that when I first saw her I was appalled at her physical condition—unresponsive, at the time. You may have seen the videotapes of her being taken on the airplane to California. Her physical condition was horrible. I saw her again in Washington. I have seen her in Memphis since the 1st of September and I want to tell you that she is recovering, that physically she is gaining weight, she appears bright and alert. However, I don't think, and I haven't, as far as last week, didn't think that this was the kind of thing that she could—her system could stand physically.

But she has improved since she has left the hospital. She is under no drugs; she doesn't need any drugs, and she is not coming and going.

I will be glad to answer any questions that the committee might have.

Chairman STOKES. Mr. Ragsdale, let me ask you this: You have been in this hearing room all day, since early this morning. I assume that you have heard all of the evidence that this committee has received. We have attempted in a public hearing to present the testimony of as many persons as we could put our hands on who had something to do with the treatment over the years of this lady. We have done this in a public forum.

The committee has tried to ask some searching questions, and we have tried to pursue the allegations here that a lady who had testimony bearing upon the identification of the individual who ran from the bathroom in the boarding house where she resided could be identified by her.

The further allegation that she was a victim of a conspiracy to silence her and thereby keep James Earl Ray convicted for a crime he did not commit—and I have listened intently while you have made reference to various parts of the medical record which you wanted the committee to be aware of and to be cognizant of.

At the same time I have tried to hear from you as a coguardian any independent evidence of any nature whatsoever that you have bearing upon the question that there was a conspiracy to silence Grace Stephens Walden. I have heard you repeatedly say—and I quote you—"I don't understand that." You would cite another part of the medical record and say, "I don't understand that."

Can you, sir, for the enlightenment of this committee, present us with any independent evidence of any sort that bears on the question of a conspiracy to silence Grace Stephens Walden?

Mr. RAGSDALE. Mr. Stokes, I am really not a conspiracy buff; he left a little earlier.

Chairman STOKES. Thank goodness.

Mr. RAGSDALE. I will say this as Grace's guardian and as a lawyer, practicing lawyer in Memphis, Tenn., I have to weigh whether or not Grace Walden's civil rights have been violated in the way she has been treated.

If you are asking me what additional evidence I have to bring forward, I don't really think I have additional evidence. I think the committee could have gone into some of the evidence that exists a little more carefully than it has, especially in relation to the medical records.

I would say this, though, Mr. Dodd correctly analyzed the situation of her commitment, and I don't think there is any question it was an illegal commitment. Even a statute in Tennessee allowing or appointing a guardian certainly would require Grace Walden to have notice, certainly would require a copy of the charges against her be handed to her. That's not Tennessee law; that is the Constitution of the United States. Mr. Dodd is a lawyer; he knows that.

This lady is—how is she brought before the court? What legal process brings her before the court? Well, the deputy sheriff on the day of the hearing, he executed the process by reading the process to Grace Walden and delivering her to the probate court. Any first-year law student knows—

CHAIRMAN STOKES. Mr. Ragsdale, this is a congressional committee; it is not our job here to be apologists for violations of law which occur in the State of Tennessee. I respect your opinions as a Tennessee lawyer and I am sure you are familiar with the law and perhaps there are some very serious due process questions here.

But insofar as it bearing upon the question here of the relevancy of a statement that she has given and the question of a conspiracy to silence her, we have just not received from you any additional testimony.

Mr. RAGSDALE. You are not going to receive any additional testimony from me, because I am not a witness. All I can do, Mr.

Stokes, is what your staff has failed to do, is to point out problems that exist in the record, point out political decisions that are not medical decisions.

They say, "We can release her but we have got legal complications which prevent us from releasing her." That is what it says in this medical record. That was not brought out by anybody from your committee. I am offering that.

Isn't that enough for you to go further and examine what is in the medical record?

And Mr. McKinney says he has read it. I wonder if you have read it, Mr. Stokes?

CHAIRMAN STOKES. The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

I gather you were appointed as coguardian when you were in effect sitting in a courtroom that happened to be tapped in that fashion?

Mr. RAGSDALE. That's right.

Mr. PREYER. Do you know, as a lawyer in Memphis, do you know Mr. Canale, who was the former district attorney there?

Mr. RAGSDALE. Yes, I do.

Mr. PREYER. What is his reputation in the community?

Mr. RAGSDALE. He has a fine reputation in the Memphis community.

Mr. PREYER. How about Cleveland Drennon?

Mr. RAGSDALE. Likewise.

Mr. PREYER. You are probably not so likely to know Dr. Neale, Dr. Cohen, and Dr. Druff, who testified today. Do you happen to know any of them?

Mr. RAGSDALE. No, I know Dr. Cohen. I served Dr. Cohen with a subpoena to appear before the probate court of Shelby County, which he ignored. In Tennessee, lawyers are allowed to serve subpoenas, and it was in the matter of the medical records being turned over to this committee. Dr. Cohen refused to come forward pursuant to the subpoena of the court and testify. That is the only way I know Dr. Cohen.

Mr. PREYER. I take it that nothing in Mr. Canale and Mr. Drennon's reputation—that you would not say they would come before this committee and tell us anything that wasn't true under oath?

Mr. RAGSDALE. Well, I can't answer that question. I think that is a question no one can answer.

Mr. Drennon has had the affrontery to tell this committee that he didn't tell Grace Walden that he was going to recommend that she be committed to Western State Hospital. It is obvious that he hasn't done his duty as a lawyer. I am certainly not here to judge. You are here to judge.

Mr. PREYER. On the question of whether the commitment was illegal and whether they did their duty as a lawyer, I think you would have to say Mr. Drennon was rather apologetic for the practice which had been employed in committing people in the courts there in the past and he took pride in the fact that he had something to do with correcting that practice.

I would say that their practice in committing people was not a model of civil rights, but was it applied equally to Grace Walden

Stephens and to everyone else? That would be our concern with it, and that testimony seems pretty clear on that.

I would say Dr. Neale and these other witnesses here, while you may not know them personally—of course, I don't know them, have never seen them before, but the public is able to judge their credibility.

I would say they do not appear to be the type of people who would operate a "Gulag"—whatever it is—whatever it is, prison operation there.

Just one other area: The charge was made that the purpose of the committee here today was to destroy Grace Walden Stephens. I take it the mere fact of calling her to testify publicly is not what would destroy her and, in fact, she has testified on the NBC Today Show, so I assume just appearing publicly is not the gravamen of that charge, but that we ask questions about her—raise questions going to her credibility.

Now, where a witness has testified on one occasion that the man she saw running from the bathroom was white and on another occasion the man running from the bathroom was Black, don't you, as a lawyer, feel it is reasonable for the committee to want to ask Mrs. Stephens which was it?

Don't you think her credibility is in issue with two such stories as that? Would that upset a well balanced mind, that you would ask the witness a question of credibility under those circumstances?

Mr. RAGSDALE. Mr. Preyer, I don't know that she has a well-balanced mind at this point.

Mr. PREYER. Is this not a fair question?

Mr. RAGSDALE. You asked me a question. Do you want me to answer it?

Mr. PREYER. Go ahead.

Mr. RAGSDALE. I don't know that she has a well-balanced mind at this time. I think she is very frail. I think she is on the thin edge after coming out of that hospital. I think the trauma—I didn't observe the report she gave on NBC so I don't know personally, but I understand that it was a very traumatic thing for her. She became very upset with the reporter.

Mr. PREYER. I didn't mean to imply that that would upset—I didn't mean to make any reference to Mrs. Stephens as far as a well-balanced mind. I was just saying that, as a lawyer it is no surprise to you that with two such conflicting statements, that the committee would be interested in testing her credibility.

Mr. RAGSDALE. This committee has already interviewed her and, as I recall, for over 2 hours at the Western State Hospital, has taken a statement from her and has every other statement she has ever made. Besides that, it has the medical record. Mr. Blakey has pointed out to the committee, and through the testimony today, that she has come and gone; that there are serious problems with her mental faculties.

Mr. Preyer, as a layman, do you think you need any more information on Grace Walden to determine how credible her testimony is?

Mr. PREYER. Well, which one of her statements would you ask us to believe?

Mr. RAGSDALE. Well, I would ask this committee to believe that at between 6:30 and 7 o'clock on April 4, 1968, Wayne Chastain took a statement from Grace Walden, the first statement ever given to anyone, about the assassination, and in that statement she made an identification of the man who came out of the bathroom.

Mr. PREYER. What year was that statement?

Mr. RAGSDALE. That was made the day of the shooting. A half an hour or so after the shooting and that man is available to come here to this committee and testify. The committee has known, Mr. Blakey, I am sure, has known of Mr. Chastain's existence, known as a reporter for Press Scimitar, of the extensive research on that day and other days. He is a reputable reporter. He is now a lawyer in Memphis.

I can't solve your problem for you, Mr. Preyer. The only thing is, if you get all the relevant witnesses you can determine for yourself and I don't think you have done that.

Mr. PREYER. Well perhaps the members know more about Mr. Chastain on the committee. I will yield back the balance on my time.

Chairman STOKES. The gentleman yields back the balance of his time. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. I have no questions.

Chairman STOKES. The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. No questions.

Chairman STOKES. The gentleman from Tennessee, Mr. Ford.

Mr. FORD. No questions.

Chairman STOKES. The gentleman from Connecticut, Mr. McKinney.

Mr. McKINNEY. Mr. Ragsdale, I am from the State of Connecticut. I am not an apologist for Tennessee's practices, committing people. I think in 1968 they not only did not show due process; they did not show proper civil rights or anything else, but I suggest to you I have studied very carefully cases dating from the 25th of the year 1968 to August—July 25 to August 7, which isn't a very long period, and in amongst which appears Gracie Stephens and all of these cases were handled in the same summary way that hers was, so to suggest that her case was treated in any other fashion I think sort of belies the facts.

Mr. RAGSDALE. Is that a question?

Mr. McKINNEY. No, I am just simply saying, here they are. There is the record—

Mr. RAGSDALE. Well, Mr. Dodd pointed out, and I think he was implying if he had been the lawyer in the case and he had known what Mr. Drennon knew, that Grace Walden was or could have been a material witness in the assassination, that he would have at least spent more than 5 or 10 minutes in investigating and talking to her and then ask for a continuance in order to investigate more closely.

Mr. McKINNEY. You seem to draw the conclusion that her being "a material witness"—though as you say, I have heard many descriptions of her testimony and I have not found one that matches the other.

Mr. RAGSDALE. Well, I agree.

Mr. McKINNEY. Including your own coguardian who states in one public interview that she was propped up in bed and then in another public interview that she was sitting up in a chair and that if she were propped up in bed when the door opened against the bed she couldn't have seen the bathroom door anyway and then when none of her statements matched—now, you have made an implication here.

You have made a very serious implication that her being an eye witness has nothing to do with her treatment as a mental patient and yet I am telling you that in that period of time all of these people, each one representing a separate case, were handled in exactly the same way.

Mr. RAGSDALE. That is not true, Mr. McKinney. Look at the record for yourself. Look at the John Gaston Hospital record.

Mr. McKINNEY. I have the John Gaston Hospital record in front of me. I have a hospital record that shows that a man with a total history of drunkenism and alcoholism, even with a police escort, got abusive to a nurse.

I have in issue a record where a lady was committed for a swollen ankle and yet her major problem was one of nervous collapse, who asked to be seen or at least, according to the records, asked to have something done about her nerves—

Mr. RAGSDALE. Show me that.

Mr. McKINNEY [continuing]. Was afraid of her husband.

Mr. RAGSDALE. Show me that in the record.

Mr. McKINNEY. Whose own coguardian stated on a radio show that Charlie Stephens was always drunk. "Charlie Stephens beat me over the head with a Coke bottle. Charlie Stephens was always beating me up. You couldn't tell whether he was drunk or sober."

Is there any question in your mind why a mental hospital wouldn't let a mental patient see this person?

Mr. RAGSDALE. Show me, Mr. McKinney, where it says she requested any treatment.

Mr. McKINNEY. It tells you that her major complaint was one of severe nervous condition; that she was hysterical; that she was sobbing; that she was depressive; that she had scars on her wrists from trying to commit suicide on other attempts.

Now, you are a layman in this case and I am a layman. Now, you might go and represent me as a lawyer against that hospital, but you can't possibly tell me that your judgment that a psychiatrist would allow a husband whom your own coguardian has stated on public television and radio used to beat her over the head with a Coke bottle and beat her up continuously and was always drunk, that they would let that person anywhere near her.

Mr. RAGSDALE. I don't think they should have, Mr. McKinney.

Mr. McKINNEY. Then what is so suspicious about the fact that since her major complaint in the emergency room was one of nerves, was one of her mental condition, that she was crying, that she was a chronic alcoholic—would you prefer a hospital system that would discharge her with an ice pack on her ankle?

Mr. RAGSDALE. If you will recall it, she will recall it—this Detective Srygley testified that they took her to John Gaston Hospital because she had swollen ankles, not because she was suicidal. Then Mr. Moore gets up here and he says, "We kept her here because

she was suicidal." Show me an arrest record, an arrest ticket where they brought her in for being suicidal. They didn't bring her there for that. They brought her there because of her ankle.

Then——

Mr. McKINNEY. Don't—wait—just a minute. Of course, they brought her there for her ankle. They testified that. You heard that under oath in front of the Congress of the United States this morning. Two policemen stating they took her husband and she to the hospital because she was complaining of swollen ankles. However, you have the perfectly obvious opinion that is stated in the medical records that you have that she complained of depression, that she was crying, that she had been suicidal, sworn to in the medical records, part of the record. There is nothing hidden here.

And the doctor that examined her——

Mr. RAGSDALE. The person who made these entries killed herself.

Mr. McKINNEY. Mr. Ragsdale, you have come here and you said that we are maligning Grace Stephens. Now, you malign a lady who has committed suicide. Have you ever been in the emergency ward of a downtown hospital?

Mr. RAGSDALE. Sure.

Mr. McKINNEY. All right. Decisions are made, but these decisions are part of the public record and they are right here.

Here is a lady who is being treated for a swollen ankle who was judged by certified practicing medical psychiatrists to be psychotic and needed help and a danger to herself. And you come in front of this committee, you make serious accusations: No. 1, that this committee has not done its homework—which I resent personally, quite frankly, and No. 2, that perfectly certified, respected medical doctors have in fact, according to your statements, committed contempt in front of the Congress of the United States today and that is not true.

Mr. RAGSDALE. I haven't said anything about contempt, Mr. McKinney.

Mr. McKINNEY. You have certainly alluded to it.

Mr. RAGSDALE. Well, I didn't say it, did I?

Mr. McKINNEY. You say we allude to Grace Stephens and yet you turn around and say yes, sir, certified by a doctor who committed suicide.

Mr. RAGSDALE. What does that tell you?

Mr. McKINNEY. What kind of an illusion is that?

Mr. RAGSDALE. What does it tell you, that a doctor of psychiatry commits suicide?

It tells you that she is unstable, doesn't it, Mr. McKinney?

Mr. McKINNEY. Mr. Ragsdale, 3 years from now you might commit suicide and I wouldn't know it today.

I am finished, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Ragsdale, perhaps you have forgotten the purpose of this committee.

Mr. RAGSDALE. I don't think I know the purpose of this committee.

Mr. FITHIAN. Well now, I want to ask you some questions and I would just like civil answers.

You come before this committee today indicating by inference in all of your statements that you have reason to believe that the committee has somehow or other missed the boat with regard to you—the person with whom you are a co-guardian.

There are only, really, three central issues, three central questions. Most of the rest—social workers' observations and the rest—must be recognized by you, a courtroom lawyer, as a smoke screen.

So now, let's get to the basic question, which several people have asked you, but you have managed not to answer. Do you have one shred of evidence which would indicate that Gracie Walden Stephens' commitment to the mental institute was other than the treatment of all other kinds, all other people committed during that time frame?

Mr. RAGSDALE. Only——

Mr. FITHIAN. Just yes or no.

Mr. RAGSDALE. Only what has appeared in the record.

Mr. FITHIAN. You have none?

Mr. RAGSDALE. I have no additional information to give you.

Mr. FITHIAN. All right. You have no evidence then that she was treated other than any other individual who was committed to that process?

Mr. RAGSDALE. Well, only the statement that appears by Dr. Slechta, "Probably needs further hospitalization until the trial is over."

Mr. FITHIAN. Now, wait a minute. You understand the English language.

My question wasn't what they said after she got in the hospital, et cetera. I am talking about commitment. That is the first question.

Mr. RAGSDALE. This was prior to commitment.

Mr. FITHIAN. Was she treated differently at the commitment than other people? That is the question. Yes or no.

Mr. RAGSDALE. No. Her rights were violated just like every other person that was committed at that time.

Mr. FITHIAN. There is no difference in treatment then; we both agree to that, right?

Mr. RAGSDALE. From what I can determine, that is correct.

Mr. FITHIAN. Thank you.

Second, the question then is as to the medical treatment of Grace Walden Stephens. All of the evidence we have from one doctor after another, after another, indicates the treatment was within the parameters or the boundaries of the diagnosis; that in fact she had been, as one of the medical people put it, the dosage was—he considered it on the light side, but other than that—so my question is this: Do you have, as her guardian, any evidence at all that the medical treatment she received was other than that which should have been given to a patient with that diagnosis?

Mr. RAGSDALE. I am not a doctor and I have no evidence——

Mr. FITHIAN. Well, you have——

Mr. RAGSDALE. If you will let me answer the question, Mr. Fithian, I will do that.

Mr. FITHIAN. You were so free to give us medical advice, I thought you had training.

Mr. RAGSDALE. I haven't given you any medical advice.

Mr. FITHIAN. Do you have any—

Mr. RAGSDALE. I can't answer the question because I am not trained; I haven't been consulted, as Mr. Blakey has, by a psychiatrist, about the reasonableness of the treatment. I don't know if it is reasonable or not. I can't answer your question.

Mr. FITHIAN. So the answer is that you don't have any evidence that it was the wrong treatment, is that correct?

Mr. RAGSDALE. That is correct, and I am not qualified to give that. I haven't consulted with any psychiatrists about it.

Mr. FITHIAN. All right.

The third question then is the central one and that is whether or not she has a competent competency to witness or to give the committee bona fide information, whether she is able to do that.

Now, Judge Preyer pointed out to you that we have all kinds of testimony from this witness. We have everything, and so my question is whether you have something that we don't have. That is, do you know as her guardian whether or not she is competent to give testimony which is credible?

Mr. RAGSDALE. I know that she is legally incompetent at this point. Two psychiatrists have testified to that, in April when Judge Evans of the Probate Court said she was incompetent. Now, at this point I don't know. I have not had an opportunity to have her examined in Memphis to attempt to restore her competency. At this point I rather doubt that she would be considered competent to give testimony that would, say, stand up in a court of law. Now, before this committee, that is another matter.

Mr. FITHIAN. Well, then, Mr. Chairman, on these three counts—that is, her commitment was no different than anybody else's, at that time; there is no contrary medical evidence that she was treated erroneously or wrongly for her diagnosis and by the statement of her own guardian here, that he has no reason to believe or do disbelieve the testimony of the psychiatrist that she is incompetent, then I am not sure, except for the Chastain question, what there is further for this committee to pursue in the case of the information which Mr. Ragsdale brings us.

I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

Let me just take Mr. Fithian's question one bit further. You have, earlier today, of course, stated that your ward has been determined to be non compos mentis by a court of law in the State of Tennessee, and that you have not filed any motion or petition to have her restored to competency and that under the present order in existence her testimony would not stand up in a court of law, isn't that correct?

Mr. RAGSDALE. That is correct.

Chairman STOKES. And so obviously testimony that would not stand up in a court of law would obviously not stand up at a congressional hearing, isn't that true?

Mr. RAGSDALE. It depends on what you want it for.

Chairman STOKES. What would be—

Mr. RAGSDALE. Well, you already have her testimony that may or may not lead you to other information.

You talked with her for 2 hours, recorded her statements. You apparently have every statement she has ever given. I don't see that you have a problem evaluating those statements or the medical evidence.

Chairman STOKES. No.

The question before us, would you agree with the committee's decision, as stated by Mr. Blakey, that no useful purpose would be served by calling her before this committee?

Mr. RAGSDALE. Absolutely. I agree, Mr. Stokes.

Chairman STOKES. Now, let me ask you this one further question: As a lawyer, I pose this to you, and considering this is a congressional committee attempting to find out and search for the truth, would you agree that the calling of the doctors here today and the other persons we have called with reference to Grace Stephens Walden was not for the purpose of destroying her, but for the purpose of hearing in a public forum all the facts and circumstances relating to her various incarcerations?

Mr. RAGSDALE. Mr. Stokes, I can't speak to the motivation behind the way the evidence was presented, which questions were asked, the order of the witnesses. I can't answer your question.

Chairman STOKES. Thank you.

Is there anything further?

The gentleman from Connecticut, Mr. Dodd, has not been recognized yet.

Mr. DODD. I am curious, how did Mrs. Walden end up on the Today Show?

Mr. RAGSDALE. I have no idea. You have to understand, if you will allow me, I will explain the circumstances. When she was taken out of Memphis, at the time she had Larry Nance her guardian. She had retained Mark Lane apparently prior to the time that she was declared non compos in April. The people at Western State Hospital would not recognize that fact, that Lane had been retained. Lane contacted two local attorneys to represent him in filing a petition for habeas corpus in the Federal court in Memphis. They attempted to have her examined by a psychiatrist. They were denied that access.

At that point the problem was apparently solved. She was led out of Western State, taken to Memphis and put in a boarding house. Lane apparently called Larry Nance and asked how to get in touch with Grace Walden. He said he wouldn't tell her. Lane went to Judge Evans and asked Evans' permission to talk to Grace Walden. He got that permission.

Larry Nance called Grace, told her how to get in touch with Lane. Lane called her. He went to see her, put her on a plane and took her to California.

Mr. DODD. Who did that?

Mr. RAGSDALE. Mark Lane.

Mr. DODD. Took her to California?

Mr. RAGSDALE. Yes.

Mr. DODD. Was he her guardian at that point?

Mr. RAGSDALE. No; he wasn't her guardian at that time. Larry Nance was her guardian at that time. Grace said that—she appar-

ently said that she wanted to go ahead and go to California with him, and she went. She stayed in California until—well, she was living in California. I don't know where.

I was told that she was living at Mark Lane's house, but I don't know that to be true; and the first time that she came to Memphis to stay was September 1, and she moved there to stay, and she's living there now.

Mr. DODD. Well, when did she appear on the Today Show? Do we have that?

Mr. RAGSDALE. I didn't know she did appear on the Today Show.

Mr. DODD. Suspend one second.

Who was her guardian on April 15, 1978?

Mr. RAGSDALE. Larry Nance.

Mr. DODD. Nance was her guardian?

Mr. RAGSDALE. Right.

Mr. BLAKEY. Mr. Dodd, the appearance of Ms. Walden on the Today Show, I think, coincided with the committee's hearings in August, and it was apparently part of a series of television appearances outside the committee hearings related to the committee hearings.

Mr. DODD. She appeared in August?

Mr. BLAKEY. That's correct.

Mr. DODD. Who was her guardian in August?

Mr. RAGSDALE. Mark Lane and I were her co-guardians in August.

Mr. DODD. I am just curious what your feeling would be about a guardian who recognized, or questioned, anyway, the competency of your charge and yet allowed her to appear on a national television show.

Mr. RAGSDALE. I would say this: If I had been asked whether it was good for her to do that, I would say no; but I was not asked.

Mr. DODD. You were not asked?

Mr. RAGSDALE. I didn't know that that was contemplated.

Mr. DODD. You would say no, had you been asked as a co-guardian?

Mr. RAGSDALE. I think so, yes.

I will say this: I think there was one point where she was possibly involved with the news media, and I have strongly urged that she be taken away, out of that situation, and that suggestion was——

Mr. DODD. Have you expressed to your co-guardian your concern over any future efforts to take your charge and place her on national television shows or in any way whatsoever exploit her? Have you told your co-guardian that this would be something you would object to?

Mr. RAGSDALE. As far as exploiting Grace Walden, I don't want that to happen. I have the duty of the court to see that it doesn't happen, and I would not like Grace Walden to be exploited by anyone.

Mr. DODD. Thank you.

Thank you, Mr. Chairman.

Chairman STOKES. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you.

I just want to pursue that. As a guardian, first of all, as a lawyer, you interpret Mr. Lane's putting her on national television as exploiting her?

Mr. RAGSDALE. Well, that was Mr. Dodd's phrase, not mine. You have to understand that as co-guardian that I have to deal with Mr. Lane and I don't want to characterize Mr. Lane's actions. I think you have done a good job doing that yourself.

Mr. FITHIAN. I am asking about the act itself, whether you would judge that as exploitive?

Mr. RAGSDALE. Well, I think it would be exploitive if money were received in return for the appearance.

Mr. FITHIAN. Or fame?

Mr. RAGSDALE. Well, I don't know about that. That's a commodity that comes rather easily nowadays, I think.

Mr. FITHIAN. Do you feel that as her co-guardian you have fulfilled your charge of keeping her from being exploited?

Mr. RAGSDALE. Well, you have to understand that until September 1 I had—well, I don't even now have physical control over her, and especially when she is out of the State of Tennessee. When she is in Shelby County, I can bring the power of the probate court to bear on anyone who would exploit her and if anyone presiding in Shelby County, and if she is exploited I can make that known to the court and we can take appropriate action.

Now, I have discussed all these matters that you bring up now with Judge Evans and the potential for harm, and he knows my feelings, and I know his feelings; and I am prepared, because she is in Shelby County, because Mark Lane isn't in Shelby County, to take any action necessary to prevent her from being exploited.

Mr. FITHIAN. In your conversations with the judge, did he comment on the propriety of having Grace on national television?

Mr. RAGSDALE. I really don't recall. I'll say this, though: He called in the news media one day. I can't exactly recall the circumstances, but on one of the local Memphis television stations. The judge himself called the newsmen into the chambers to witness an interview between himself and the lady.

Now, I don't know why. I can't tell you why. I think it was—well, I really don't know why; but we haven't really discussed that, and as a matter of fact I wasn't aware she was on the Today Show I don't think until today. I was told she had been interviewed sometime in the summer, but she wasn't living in Memphis at the time. I had no way of knowing.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. McKINNEY. Mr. Chairman.

Chairman STOKES. The gentleman from Connecticut, Mr. McKinney.

Mr. McKINNEY. Mr. Ragsdale, Mr. Dodd expressed a great deal of interest this morning—and so did I—in a lack of due process and a lack of civil rights in sending someone into—first of all—a remanding hospital and then finally a permanent institution hospital. Do you feel that civil rights are—excuse me, Mr. Ford—any better off today in Tennessee when a person who has been declared non compos mentis can be turned over to someone to be used on a national television network?

Mr. RAGSDALE. Well, Mr. McKinney, you are asking me to make a comment about Mr. Lane, I think, and I have already told—I think, Mr. Fithian—that I would rather not comment about Mr. Lane.

I think I'll say this, generally, that I oppose any exploitation of Grace Walden, and I will do everything in my power to prevent that.

Mr. DODD. Will the gentleman from Connecticut yield?

Mr. MCKINNEY. Just a minute.

Since we know that that exploitation has already taken place, shouldn't you as a lawyer and guardian in Shelby County, Tennessee, move to remove your co-guardian as someone who has exploited someone that the court has declared non compos mentis?

Mr. RAGSDALE. Mr. McKinney, I think you are fencing with me. I haven't said that I thought that was exploitation. In response to Mr. Fithian, I said I think it would be exploitation if she had gone on for money, and if money had been passed.

Mr. MCKINNEY. What if she went on to promote someone's next book?

Mr. RAGSDALE. I would definitely think that would be exploitation.

Mr. DODD. Would the gentleman yield, please?

Mr. MCKINNEY. I'd be delighted to.

Mr. DODD. I have been rather impressed, Mr. Ragsdale, with your willingness to characterize members of the bar in Memphis with regard to their actions at the time of the decision by the probate court to place Ms. Walden in the mental hospital. It is a rather difficult thing to do, to characterize one's fellow members of the bar. We all know that can be a problem. So do the bar associations. I am sort of intrigued about your unwillingness to characterize the actions of Mr. Lane.

Mr. RAGSDALE. Well, I'll tell you why: I am a co-guardian with Mr. Lane and we have to be able to cooperate in order to handle the problem. He had—really and truly—he has physical custody of the lady right now and she is staying at his house, and everyone knows that; Mr. Blakey knows that.

Mr. DODD. Am I to understand that you have an opinion but that you do not wish to share it with this committee?

Mr. RAGSDALE. No; my opinion is, I don't know whether her appearing on the Today show manifests exploitation and until—I don't know anything about it. I didn't know it was going to happen. I don't think I was aware of it until someone mentioned it today.

I can't give you an opinion on the facts because I don't know all the facts.

Mr. DODD. But you are going to inquire about that and raise those issues with your co-guardian?

Mr. RAGSDALE. I will certainly raise the issue of appearing on the Today show.

Mr. DODD. Thank you.

Chairman STOKES. Is any other member seeking recognition?

Mr. Ragsdale, at the conclusion of a witness' testimony before our committee, the witness is entitled to a period of 5 minutes in which to amplify or explain in any way his testimony before this

committee. I would extend you at this time 5 minutes for that purpose if you so desire.

Mr. RAGSDALE. Yes; I would like to speak about the conditions that exist in Shelby County regarding commitments of people.

I would say it is an incorrect statement that Mr. Drennon had anything to do with changing the system. As a matter of fact, I have been personally appointed by Judge Evans of the Probate Court to represent indigents before the judges in these commitment proceedings, and it was not until Miss Lillian Dykes, who is employed by the Tennessee Psychiatric Hospital and Institute, raised the serious procedural questions in 1976, 1977, as I recall, that anything was done.

Until that time, county attorneys still—still represented indigent defendants in the proceedings, and only after Lillian Dykes' efforts with the legislature, with the judge of the probate court, with the county attorney, was anything done about that, and now independent lawyers are appointed as guardian ad litem.

The procedure now is that someone—a petition is filed; they are given notice; they are handed a copy of the petition; and it is a period 2 or 3 weeks before the hearing is set, giving the guardian ad litem ample time to investigate and to prepare whatever he needs, the defense or whatever, and appear before the court.

That's all I would like to say.

Chairman STOKES. Thank you, Mr. Ragsdale.

Let the record reflect that it is now 10 minutes past 5, and that Mr. Lane abandoned the hearing room over an hour ago; therefore, the Chair will not extend to him 5 minutes, the same as was extended to Mr. Ragsdale.

There being nothing further to come before the committee today, this committee meeting is adjourned until 9 a.m. tomorrow morning.

[Whereupon, at 5:11 p.m., the hearing was adjourned, the committee to reconvene on Wednesday, November 15, 1978, at 9 a.m.]

INVESTIGATION OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

WEDNESDAY, NOVEMBER 15, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C.

The select committee met, pursuant to adjournment, at 9:08 a.m. in room 345, Cannon House Office Building, Hon. Louis Stokes (chairman of the select committee) presiding.

Present: Representatives Stokes, Devine, Preyer, McKinney, Fauntroy, Dodd, Ford, and Fithian.

Also present: G. Robert Blakey, chief counsel and staff director; Edward M. Evans, chief investigator; and Elizabeth L. Berning, chief clerk.

Chairman STOKES. The committee will come to order.

The Chair recognizes Professor Blakey.

NARRATION BY PROF. G. ROBERT BLAKEY, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. BLAKEY. Thank you, Mr. Chairman.

In the search for a conspiracy in the assassination of Dr. King, many have sought the answer to how James Earl Ray was able to finance himself for the 14-month period from his escape on April 23, 1967 until his apprehension in London on June 8, 1968. It has been urged that a resolution of the question of Ray's finances would facilitate the identification of his co-conspirators, if they exist, and shed light on the controversy over Ray's motive to kill Dr. King.

As the Department of Justice Task Force Report indicated, the FBI search for the source of Ray's finances began early after it was recognized that he had travelled extensively following his escape from the Missouri State Penitentiary. The FBI also discovered that, in addition to normal living expenses, Ray had made several substantial purchases which included a car for \$1,995, photo equipment for \$412, and dance lessons for \$561.

Given these expenditures, and the clear suggestion of a substantial financial source, the Bureau was particularly interested in determining his sources of income.

On April 23, 1968, the Director advised all field divisions to consider Ray as a suspect in any unsolved bank robberies, burglaries or armed robberies occurring after April 23, 1967. The results, however, were negative.

On April 29, 1968, the Director, in a teletype to all special agents in charge of the Bureau's various field offices, ordered that all law

enforcement agencies that maintained unidentified latent fingerprints be contacted and requested that fingerprints of Ray be compared in order to determine his past whereabouts and possibly establish his source of funds. Again, negative results were obtained.

The Director, on May 14, 1968, reminded all field divisions that Ray had spent a considerable amount of money from April 23, 1967 until April 4, 1968, and advised that a source for these moneys had not been determined. The Director ordered that photographs of Ray be displayed to appropriate witnesses in unsolved bank robberies and burglaries. Again, negative results were obtained.

As a result of one of William Bradford Huie's Look magazine articles, the Bureau did ascertain that Ray had been employed at a restaurant in Winnetka, Ill., for approximately 8 weeks. As a dishwasher and cook's helper, Ray had received checks totaling \$664.34 from May 7, 1967 through June 25, 1967.

Reports received by the FBI from the Royal Canadian Mounted Police indicated no known robberies or burglaries that could be connected with Ray, and Mexican authorities advised the Bureau of no known criminal activity that could be associated with Ray.

The Bureau also investigated the possibility that Ray participated in a bank robbery at Alton, Ill., in July 1967, based on information received from the common-law husband of James' mother. But their investigation did not yield direct evidence of his involvement in this crime, which remains to this day officially unsolved.

Ray also related to author Huie that he robbed a food store in Canada, and that an individual named "Raoul" furnished him funds on a continuous basis for various undertakings. These matters were pursued by the Bureau, but they have never been corroborated.

Ray has repeated to this committee his version of his finances, which essentially is reflected in his account of the "Raoul" figure who mysteriously appears in Ray's life in approximately the third week of July 1967 and who, over the next 9 months, provided Ray with approximately \$7,750 as payment for Ray's participation in an international smuggling ring involved in narcotics and guns.

Nevertheless, the committee, in the course of its investigation over the last year and one half has found no evidence that would corroborate either the existence of "Raoul" or the involvement of Ray in an international smuggling operation.

The committee has undertaken an effort to examine the alternatives to Ray's "Raoul" version of his finances and to arrive at some conclusions as to the most reasonable and likely manner in which Ray acquired the funds which sustained him.

It would be appropriate now, Mr. Chairman, to have the summary of this investigative effort presented by the chief investigator on the King task force, Mr. Edward Evans.

Chairman STOKES. The Chair calls Mr. Edward Evans.

I believe you were placed under oath a few days ago and that same oath would now apply to you, Mr. Evans. You may proceed to make your presentation.

**FURTHER TESTIMONY OF EDWARD M. EVANS, CHIEF
INVESTIGATOR, DR. MARTIN LUTHER KING, JR., TASK FORCE**

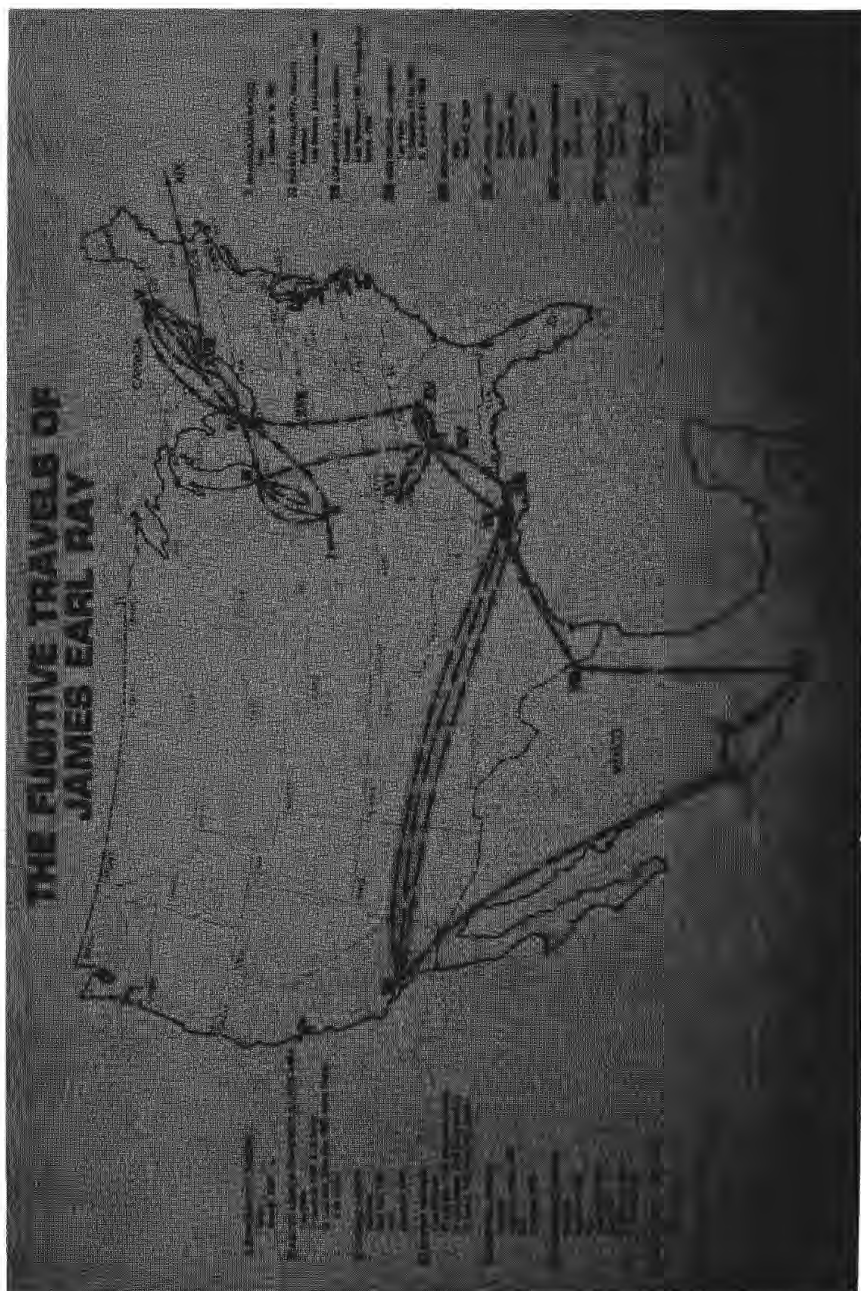
Mr. EVANS. Good morning, Mr. Chairman, members of the committee.

Mr. Chairman, to appreciate the dimensions of James Earl Ray's ability to finance his activities during his fugitive period, April 23, 1967 to June 8, 1968, it is first necessary to identify Ray's known and estimated expenditures. Ray's substantial journeys throughout the United States and four foreign countries for 14 months, as depicted in MLK exhibit F-360, clearly suggest an individual with a relatively substantial financial wherewithal.

Mr. Chairman, I think it would be appropriate at this time to have entered into the record that which has been previously marked MLK exhibit F-360.

Chairman STOKES. Without objection it will be entered into the record.

[The information follows:]



Mr. EVANS. Even more demonstrative of Ray's financial capabilities is the reconstruction by the committee staff of Ray's known and estimated expenditures as contrasted against his known income. The results of this compilation are portrayed on MLK exhibit F-361.

I would like at this time also to have entered into the record that which has been previously marked MLK exhibit F-361.

Chairman STOKES. Without objection it may be entered into the record.

[The information follows:]

JAMES EARL RAY'S FINANCIAL LEDGER

4-23-67 TO 6-8-68

KNOWN EXPENSES

Lodging	\$1,783.75
Food and drink	939.00
Gasoline	408.68
Miscellaneous	5,756.83

UNKNOWN EXPENSES

Miscellaneous (10% of known miscellaneous)	575.68
CASH ON HAND AT TIME OF ARREST	144.00
Total _____	\$9,607.94

KNOWN INCOME

On hand at time of escape from prison	
(approximate)	\$300.00
Net salary from Indian Trails Restaurant	664.34
Sale of 1959 Chrysler	45.00
London bank robbery	229.20
Total _____	\$1,238.54

KNOWN EXPENSES LESS KNOWN INCOME _____ **\$8,369.40**

INCOME ALLEGED TO HAVE BEEN RECEIVED FROM "RAOUL"

At U.S.-Canadian border -- 8-21-67	\$1,500.00
In Birmingham -- 8-30-67	2,000.00
In Birmingham -- 8-30-67	1,000.00
In Nuevo Laredo, Texas -- 10-7-67	2,000.00
In New Orleans -- 12-17-67	500.00
In Birmingham -- 3-29-68	750.00
Total _____	\$7,750.00

Mr. EVANS. Let me briefly describe the manner in which these figures were determined.

Under known expenses in the lodging category, the committee has ascertained Ray's known expenses for lodging for 337 of the 412 nights. The known amount Ray paid for his lodging for these 337 nights is \$1,511.75. Discounting the 7 nights immediately after his escape from Missouri State Penitentiary, there are 68 nights for which the committee has no documentation to establish lodging expenses. An average lodging expense was determined by dividing the total sum of \$1,511.75 by the 337 nights accounted for, meaning approximately \$4 a night was spent on lodging.

For the 68 nights unaccounted for, an approximation was reached by multiplying 68 by \$4 or a total of \$272. Hence, from the time of his escape on April 23, 1967 to his arrest on June 8, 1968, he probably spent a total of at least \$1,783.75 for lodging.

Under the next category of known expenses the committee has computed an estimated amount of money spent by Ray on food and drink over 412 days. Given Ray's relatively frugal food expenses and his above average drinking tendencies, it was conservatively estimated that he spent an average of \$3 on food and drink per day.

In computing the number of days to which this \$3 average should be applied, the committee deducted from the total of 412 days 35 days spent in Birmingham, when his room and board were covered by one rate, 54 days he worked at the Indian Trails restaurant near Chicago where his meals were provided, and 3 days in London where board again was covered by the room rate.

After deductions, there are 313 days of food and drink expenditures. Consequently, at \$3 a day, Ray would have spent at least \$939 for food and drink from the time of his prison escape to his London arrest.

With respect to gasoline expenses which are depicted on MLK exhibit F-361, the committee has calculated that at least 21,637 miles were traveled by Ray in the three automobiles owned by him during 1967-68.

Excluding all in-town driving, the committee estimated that Ray traveled at least 428 miles in his 1959 Chrysler from May to July 1967, and at least 2,009 in the 1962 Plymouth that he owned from July 14, 1967, to August 21, 1967.

With respect to Ray's 1966 Mustang, the committee used the odometer readings from the times of its purchase to the time it was recovered by the FBI in Atlanta to determine that he had driven it 19,200 miles. Hence, Ray traveled at least 21,367 miles in the Chrysler, Plymouth, and Mustang.

The average major brand price of regular gasoline in the United States in 1967 and 1968 was 33 $\frac{1}{2}$ cents per gallon. In Canada, it was slightly higher, and in Mexico it was less.

For the committee's calculations, 34 cents per gallon was used as the average price of gasoline paid by Ray. An estimated 18 miles per gallon was applied to a total distance of 21,637 miles, meaning Ray consumed at least 1,202 gallons of gasoline. At 34 cents per gallon, at least \$408.68 was spent on gasoline.

Apart from the expenses for lodging, food and drink, and gasoline, Ray incurred known miscellaneous expenses of \$5,756.83. Ex-

amples of these known expenditures, all of which are documented in committee records, are: \$1,995 for the 1966 Mustang; \$412 for camera equipment; \$561 for dance lessons; \$90 for a locksmith course; \$125 for bartending school; \$370, that is an approximate figure for clothing; \$150 for psychological treatment; \$210 for a 1962 Plymouth; \$200 for a 1959 Chrysler; \$248 for a rifle purchased in Birmingham; \$541 for airline tickets; \$90 for a TV; and \$200 for plastic surgery.

Numerous expenditures of James Earl Ray cannot be specifically accounted for in exact dollar amounts. Hence, there is a need to approximate miscellaneous unknown expenses. Known types of expenditures by Ray which would fall into this category include for example: laundry, toilet articles, newspapers, magazines, phone calls, postage, highway tolls, car repairs, cabs, buses, film, and entertainment.

A conservative estimate of miscellaneous unknown expenditures for a 14-month period was determined to be 10 percent of miscellaneous known expenditures, or \$575.68.

In addition to these known and approximated figures, the \$144 in Ray's possession at the time of his arrest in London should be added. Given these expenditures and the amount in his possession at the time of his arrest, Ray must have had at least \$9,607.94 from April of 1967 to June 1968.

To be contrasted against this figure is known income to Ray during the period. Referring again to MLK exhibit F-361, Ray had approximately \$300 in his possession when he escaped from Missouri State Penitentiary. From his employment at the Indian Trails Restaurant, he earned a net of \$664.34. From the sale of his 1959 Chrysler, he obtained \$45 and from the London bank robbery he committed, Ray obtained approximately \$229.20. The total known income figure of \$1,238.54.

The known expenses figure less this known income figure comes to \$8,369.40, representing expenditures for which no documented income exists.

Ray's uncorroborated "Raoul" payments, as depicted in MLK exhibit F-361, total \$7,750, a close approximation of the \$8,369.40 figure. If "Raoul's" version of Ray's finances is discounted, it is apparent from these computations that Ray still required a source or sources which provided him over \$8,000.

Apart from Ray's "Raoul" version, the committee has examined closely several other alternative sources of his finance. Of these, the two that merited the most substantial investigation were:

One: The possibility that Ray accumulated several thousands of dollars while engaging in illegal activities in Missouri State Penitentiary from 1960 to 1967, and that he smuggled this money from Missouri State Penitentiary to family members who safeguarded it until his escape.

Two: The possibility that Ray and one or both of his brothers robbed the Bank of Alton of approximately \$27,000 on July 13, 1967, a crime which to this day remains officially unsolved.

As a preliminary step to the examination of these and other theories, the committee looked into the possibility that Ray and his family, under either their true names or under any of their varied aliases, maintained bank accounts that may have provided evi-

dence of Ray's financial sources. A canvass of 246 banks in St. Louis, Chicago, Los Angeles, Birmingham, New Orleans, and Atlanta was conducted by written requests and subpoenas.

This effort produced no record of activity by Ray under any of his known or presumed aliases. Similarly, an examination of all available financial records of John Ray, Jerry Ray, and Carol Pepper revealed no significant financial transaction between any of the Ray family and James Earl Ray.

The bank records of John Ray did suggest his receiving a relatively substantial amount of money in mid-1967—a fact of some consequence, considering his possible involvement in the Alton Bank robbery on July 13, 1967.

As to the theory that James accumulated a substantial amount of money in Missouri State Penitentiary, the committee's investigation indicates that it would seem to be highly unlikely.

First, James has been characterized by many ex-inmates who knew him at Missouri State Penitentiary as a "second-rate hustler" who engaged in a variety of illegal activities, namely bookmaking, narcotics, and smuggling of contraband; but almost all of those interviewed indicated the activity was on a relatively small scale.

Second, and more important, it is difficult to believe that James Earl Ray, with a continuous history of involvement in criminal activity, would seek out and accept menial employment as a dishwasher at the Indian Trails Restaurant for \$85 a week for almost 2 months after he escaped from Missouri State Penitentiary if he possessed any substantial amount of money.

The evidence available makes the Alton Bank robbery the most probable alternative to Ray's "Raoul" version of his finances.

To place the probability of Ray's involvement in the Alton Bank robbery in the proper time and geographic perspective, reference should be made to an exhibit which highlights Ray's activities during July 1967.

Mr. Chairman, at this time I would like to have entered into the record that which has been previously marked MLK exhibit F-362.

Chairman STOKES. Without objection it will be entered into the record.

[The information follows:]

JAMES EARL RAY'S TRANSACTIONS INDICATING FINANCIAL STATUS IN THE EARLY FUGITIVE PERIOD

- 6-24-67** Ray quits job at Indian Trails restaurant, near Chicago, and travels to Quincy, Ill.
- 7-1 to 7-8-67** Ray returns to Chicago to pick up \$77 paycheck, travels to vicinity of East St. Louis, Ill.
- 7-14-67** Ray purchases an automobile in East St. Louis for \$210 (*on the day after the Bank of Alton, Ill. robbery*)
- 7-18-67** Ray rents an apartment in Montreal, pays \$150 advance
- 7-18-67** Ray robs house of prostitution*
- 7-19-67** Ray purchases clothes for about \$250
- 7-25-67** Ray has his first meeting with Raoul*
- 7-30-67** Ray begins one-week vacation at the Gray Rocks Inn, where his hotel bill comes to about \$200

*According to Ray's own account, the date of which is approximate.

Mr. EVANS. The time frame in which an alternative to Ray's "Raoul" version of his finances must have occurred is dictated by two events:

First, it is reasonable to assume the event or events that provided Ray with his funds occurred no earlier than the first of July 1967, since it is approximately on this date that Ray, according to his own story, traveled 600 miles round trip from Quincy to Chicago to East St. Louis merely to pick up his last Indian Trails' paycheck in the amount of \$77.

Second, it is reasonable to assume that the event or events that provided Ray with his funds occurred at least by the time that the "Raoul" figure allegedly appears in Ray's account. This date is approximately July 25, 1967, according to Ray's statements to the committee, and is consistent with an intensification of spending by Ray in mid to late July, during which time he rented an apartment with a 2-month advance of \$150, purchased new clothes for \$250 and vacationed at a fashionable Canadian ski resort.

Hence, totally independent of the "Raoul" story, there is evidence that, as an unemployed ex-dishwasher, Ray had little money around July 1, 1967, but as a vacationing man of leisure in late July 1967 he had achieved a dramatic change in his financial wherewithal.


In the midst of this 3- to 4-week period in which Ray could have reasonably been expected to have obtained substantial funds, two key events occurred.

On July 13, 1967 in James Earl Ray's hometown of Alton, the Bank of Alton is robbed by at least two gunmen of approximately \$27,000. On July 14, 1967, James Earl Ray purchased a vehicle only 20 miles from Alton, in East St. Louis, Ill., and shortly thereafter left for Canada.

Mr. Chairman, it is appropriate at this time to have entered into the record what has previously been marked MLK exhibit F-363.

Chairman STOKES. Without objection it will be entered into the record.

[The information follows:]

CAR INVOICE						BUNDY OLDSMOBILE INC.		No. 6852													
						711 Illinois Ave. Bridge 1-2127 EAST ST. LOUIS, ILLINOIS 62201		DATE 7-14-67 SALESMAN: Biggs													
SOLD TO: John L. Rayns #31-22 ADDRESS: 507 Chestnut, P.O. Box 293 Wizenetka, Ill.																					
MAKE	YEAR	MODEL	BODY STYLE	NEW OR USED	KEY NO.																
Plymouth	1962		4 Dr. Sed	Used																	
SERIAL No.		MOTOR No.		AUTO. TRANSMISSION No.																	
2921165934																					
INSURANCE COVERAGE INCLUDES <input type="checkbox"/> FIRE AND THEFT <input type="checkbox"/> PUBLIC LIABILITY — AMT. <input type="checkbox"/> COLLISION — AMT. DEDUCT. <input type="checkbox"/> PROPERTY DAMAGE — AMT.																					
OPTIONAL EQUIPMENT AND ACCESSORIES <table border="1"> <thead> <tr> <th>GROUP</th> <th>DESCRIPTION</th> <th>PRICE</th> </tr> </thead> <tbody> <tr> <td>NEW CAR — FACTORY INSTALLED:</td> <td></td> <td></td> </tr> <tr> <td>NEW CAR — DEALER INSTALLED:</td> <td></td> <td></td> </tr> <tr> <td>USED CAR — TRANSFER:</td> <td></td> <td></td> </tr> </tbody> </table>										GROUP	DESCRIPTION	PRICE	NEW CAR — FACTORY INSTALLED:			NEW CAR — DEALER INSTALLED:			USED CAR — TRANSFER:		
GROUP	DESCRIPTION	PRICE																			
NEW CAR — FACTORY INSTALLED:																					
NEW CAR — DEALER INSTALLED:																					
USED CAR — TRANSFER:																					
PRICE OF CAR 200.00 TRANSPORTATION CHARGE PREP. & CONDITIONING 9.50 SALES TAX 209.50 DELIVERED PRICE 209.50 EXTRAS: OPTIONAL EQUIP. & ACC. FACTORY INSTALLED DEALER INSTALLED 0.2. .50 SALES TAX TOTAL CASH PRICE 210.00 COST OF FINANCING COST OF INSURANCE TOTAL TIME PRICE SETTLEMENT: DEPOSIT 25.00 CASH ON DELIVERY 198.90 USED CAR: YEAR MAKE MODEL BODY SERIAL NO. MOTOR NO. PAYMENTS AT \$ PER PAY \$ TOTAL 210.00																					
NAME OF FINANCE COMPANY:																					

MLK EXHIBIT F-363

Mr. EVANS. This is evidence of the July 14 automobile transaction. The evidence that links James and John, and possibly Jerry, to the Bank of Alton robbery is significant and the details of such will be developed in connection with the appearance of John Ray. Here it is sufficient to note that:

First, the Alton robbery is virtually identical in modus operandi to five other bank robberies in which John Ray was involved with Jerry Ray participating in at least one of these robberies, and four of these five robberies occurred within an hour's drive of Alton;

Second, the scene of the crime, the location of the evidence abandoned after the crime, and the significant role that Alton has played in James Earl Ray's criminal background, strongly suggest the involvement of the Ray brothers; and

Third, means, motive, and opportunity to rob the Bank of Alton were clearly available to the Ray brothers.

As an event that poses a reasonable alternative to James' "Raoul" version of his finances, the Alton robbery obviously pro-

vides enough money to meet the known and estimated expenditures of Ray during his fugitivity. James Earl Ray's portion of a three-way split of the \$27,000 obtained in the Bank of Alton robbery would have provided him with approximately \$9,000—enough to explain the documented difference of over \$8,000 in his known income and known expenses.

Finally, Ray's simple claim of innocence in the Alton robbery must be placed in the context of his incredulous denial of being involved in a London bank robbery in June 1968 where his fingerprint was found on the evidence.

Significantly, this denial parallels those of Jerry Ray and John Ray who also incredulously persist in their claims that they have never committed a bank robbery, a claim they make in the face of statements to the contrary by their co-conspirators and indeed, in the case of John, in the face of his own 1970 conviction for bank robbery.

That is the end of my report. Thank you.

Chairman STOKES. Thank you, Mr. Evans.

The Chair recognizes the gentleman from the District of Columbia, Mr. Fauntroy, for such time as he may consume.

Mr. FAUNTROY. Thank you, Mr. Chairman.

Mr. Evans, first of all, I wonder if you would tell us what we know about the Alton Bank robbery, how was it carried out and what do we know about the persons who were alleged to have carried it out?

Mr. EVANS. We do know, Mr. Chairman, that the Alton Bank robbery was perpetrated by two persons with stocking masks, sawed-off shotguns, and that the perpetrators fled and abandoned the evidence in close proximity to the homes of one of the relatives of the Ray family, one of the relatives of John Larry and James Earl Ray.

We have been working on that and that issue will be covered more fully at a later date, sir.

Mr. FAUNTROY. All right. Second, why did you start Ray's expenses on April 30, some 7 days after his escape from the penitentiary?

Mr. EVANS. Well, Ray by his own admission—and all of these estimated figures were based basically on the documentation that we could provide through our investigation and through Ray's own statements. I would like to add also that these approximations were low to give every advantage to Ray.

But Ray stated to us that it took him 7 days to arrive in Chicago and during that period of time he was on the road. April 30 was the first date that we could actually document any expenditures by Ray. That is why we commence with the April 30 date.

Mr. FAUNTROY. You consistently average figures. Did you take the low or high figures?

Mr. EVANS. We always took the lower figure, as I stated, thereby giving Ray the advantage.

Mr. FAUNTROY. What kind of documentation did you use for the majority of your figures or where did you get the documents to begin with?

Mr. EVANS. Well, what we did, in reviewing the FBI files, any documentation that they had, we conducted an investigation of our

own and confirmed them and a lot of the documentation we obtained through our own initial investigations.

Mr. FAUNTROY. Well, for example, you mentioned that we canvassed some 246 banks.

Mr. EVANS. That is correct.

Mr. FAUNTROY. Tell me a little bit about where those banks were and how that inquiry was made.

Mr. EVANS. Well, we had one of our researchers, we obtained a book which listed each bank in what we considered to be the major cities and that would have been Birmingham, Chicago, St. Louis, New Orleans, Los Angeles. We sent inquiries to these particular banks and in some instances the banks replied upon receipt of our letter. In others, we had to come to the committee for a subpoena.

But we obtained all of these bank records and we studied them and examined them very closely to determine any financial transactions within the Ray family.

Mr. FAUNTROY. I guess the critical question for me is how does our investigation of the expenses, the income and the expenses of Ray differ from that which was done by the Justice Department?

Mr. EVANS. The Justice Department figures allude to the fact that Ray amassed this amount of money through local robberies which he perpetrated throughout his fugitivity.

Our figures considered the fact that there was perhaps just one source or one robbery. We did find some differences in our figures and the Justice Department figures.

Mr. FAUNTROY. All right. Thank you, Mr. Chairman.

I think I will reserve the bulk of my questions for the questioning of Mr. John Ray with respect to the Alton Bank robbery.

I yield back the balance of my time.

Chairman STOKES. The gentleman yields back the balance of his time.

Mr. EVANS, does Ray himself estimate that he spent somewhere around \$9,000? Would that be his figure, also?

Mr. EVANS. As I recall, and I don't have the records here, but his estimation is somewhere in that area. These are the figures that basically Ray gave us as to his expenditures.

Chairman STOKES. I see. The gentleman from Ohio, Mr. Devine.

Mr. DEVINE. Thank you, Mr. Chairman.

Mr. EVANS, I take it from approximately 40 hours of interrogation of Mr. Ray at Brushy Mountain and elsewhere that the amount of money he declined to account for, he always referred as a source the mythical "Raoul". Is that an accurate assessment?

Mr. EVANS. That is correct.

Mr. DEVINE. And the other expenses that were listed that could not be accounted for were attributed to that source and that source alone?

Mr. EVANS. That is right, sir.

Mr. DEVINE. I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from North Carolina, Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

Mr. EVANS, I am sure an awful lot of work went into this, although it is a very short report. I gather there was an enormous amount of detailed work that was involved in ruling out alterna-

tives, having gone through 246 different bank records, and therefore it is a negative thing to testify about. The positive thing you have come down on is that the Alton Bank robbery is the most likely source?

Mr. EVANS. That is correct.

Mr. PREYER. And we will be going into that in more detail later.

Mr. EVANS. That is correct.

Mr. PREYER. Thank you very much.

Chairman STOKES. The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

I just really want to compliment the staff. I want to echo the remarks of Judge Preyer. This is a relatively short report, but I recognize there were countless hours of work that went into analyzing what amounts to about \$9,000 or \$10,000. I am sure we spent quite a bit more than that in time and effort trying to uncover where those funds came from. The staff deserves a compliment on that.

I have no questions.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Connecticut, Mr. McKinney.

Mr. MCKINNEY. I have no questions.

The CHAIRMAN. The gentleman from Indiana, Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Evans, I don't have the report, the FBI report, in front of me, but as I remember reading it, they drew some strikingly contradictory conclusions. As a matter of fact, back in the beginning before this committee was created, the glaring nature of that was one of the reasons that led me to support the creation of this committee.

Am I not correct in saying that their conclusion was that Ray probably sustained himself by a series of robberies?

Mr. EVANS. Yes, sir, that is their conclusion.

Mr. FITHIAN. And on a couple of pages different from that, if I recall that report, they recounted the enormous network that the Justice Department, the FBI, had put into action trying to ascertain what robberies that were unsolved might correlate with Ray's known movements. Isn't that correct?

Mr. EVANS. Yes, sir.

Mr. FITHIAN. And their conclusion, if I remember correctly, was that putting the entire FBI network checking robberies that were unsolved, that they had none in which Ray could be listed as a prime suspect or as a leading suspect, or something of that nature; is that correct?

Mr. EVANS. Yes, sir.

The committee, the investigators and other staff members, we examined those records in those cities where we knew Ray had visited. We examined their case files and attempted to establish whether or not Ray could have possibly committed any of the crimes that occurred in those cities while he was there.

Our results were negative. We concluded, then, that it is very possible that Ray did not, as the FBI or the Justice Department indicate, sustain himself through robberies in these particular locations. This is a situation where we checked unsolved crimes in the varying cities that Ray visited.

Mr. FITHIAN. You have already indicated that the Alton Bank robbery will be the subject of a later hearing by the committee. Could you at this time comment on what, if anything, the FBI had to say about the Alton Bank robbery that is one area that I don't have any information on?

Mr. EVANS. The FBI investigated the Alton Bank robbery and were unable to identify the perpetrators. That is still an open case in the FBI files.

Mr. FITHIAN. Now, turning to one other area, if I remember correctly, at one point in Ray's story he said that he robbed a supermarket in Canada?

Mr. EVANS. Yes, sir.

Mr. FITHIAN. And then at a later point he changed that and said it was not a supermarket, that it was a brothel that he robbed?

Mr. EVANS. That is correct.

Mr. FITHIAN. Were you or the investigators able to look into either of these robberies in any detail?

Mr. EVANS. We concluded, in fact, on the second investigative trip to Canada, we worked with the Montreal police department and they again surveyed the houses of prostitution that they were aware of, and I might say they run a tight ship up there, and they came up with no evidence that any robbery had been perpetrated of the type that Ray described.

Mr. FITHIAN. And was there any supermarket robbery of record during that time period?

Mr. EVANS. None that could have been associated with James Earl. At Brushey Mountain during one of the interviews we had with him, Ray denied that he robbed a supermarket but stuck to his story that he had robbed a house of prostitution.

Mr. FITHIAN. If I remember our questioning of Ray, that would not be the kind of thing that would be reported to the police, is that correct?

Mr. EVANS. That is correct.

Mr. FITHIAN. Finally, can you shed any light on the investigation of possible smuggling activities in and out of Mexico, that part of the story?

Mr. EVANS. The committee spent numerous man-hours attempting to establish any of Ray's smuggling activity. We consulted with the Immigration Department. We met with investigators from the New Orleans branch of the Immigration Service and we were not able to definitely conclude that Ray was involved in any particular smuggling activities. The kind of activity that he described is somewhat common in that area. He describes the checkpoints in Mexico. That is as he stated at that particular time.

So we were not able to conclude whether Ray actually had been involved in any smuggling operation.

Mr. FITHIAN. Thank you.

I have no further questions, Mr. Chairman.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Evans, I understand your report to be that we can't account for about \$8,369 in funds that Mr. Ray expended.

Mr. EVANS. That is correct.

Mr. FAUNTROY. And that Mr. Ray suggests that approximately \$7,750 came from the mysterious Mr. Raoul?

Mr. EVANS. Yes, sir.

Mr. FAUNTROY. You have indicated that the staff looked at two areas of investigation: One, the possibility that he had several thousand dollars when he left the penitentiary, and the other that he may have been involved in the Alton Bank robbery.

You mentioned that there is no corroboration of Mr. Ray's claim that he received \$7,500 from a "Raoul." Did we inquire as to the possibility of Ray receiving money from other sources than this mysterious "Raoul"?

Mr. EVANS. Yes, we did. That also will be a topic for a subsequent hearing.

Mr. FAUNTROY. All right.

Thank you, Mr. Chairman.

Chairman STOKES. Mr. Evans, drawing upon your experience as a seasoned and experienced police officer and with your knowledge of the facts as you have presented them this morning relating to finances, in consideration of the allegations regarding a conspiracy or Ray's involvement in a conspiracy because I realize at a subsequent time in these hearings we will deal specifically with the conspiracy allegations, but as of this time, is it not a reasonable inference to be drawn from these facts that if Ray was in fact involved in any conspiracy, that he did not get paid? Would that be a fair, reasonable conclusion?

Mr. EVANS. Yes, sir.

Chairman STOKES. Thank you.

Is there anything further?

Mr. Fithian?

Mr. FITHIAN. I wonder if we could just pursue for one more minute Judge Preyer's observation, that is, that you can spend a lot of time proving the negative.

Could you give me perhaps, or perhaps the chief counsel can give me, some indication of resources that we have committed to this area?

Mr. EVANS. I will give that back to the chief counsel.

Mr. BLAKEY. Mr. Fithian, we have spent almost a continuous period of time since the founding of the committee in correspondence with banks throughout the United States identifying all of the James Earl Ray aliases, all of his family members, talking to the banks initially and in some cases subpoenaing records and getting them back. It has been a continuous process of looking for possible lines of financial activity.

You will recall that a good deal of time has been spent in executive session reviewing the financial records and transactions of members of the Ray family in an effort to see if any of them were used as conduits.

Mr. Ray has had, in effect, a very sophisticated net worth examination that would be appropriate in a major organized crime case. I guess the great regret is that if he had substantial financial resources, he certainly never committed them to the kinds of financial institutions through which an investigation can trace them.

The irony is that he has lived such a small life, eating hamburgers and drinking beer and sleeping in flop houses. If he was paid

for Dr. King's assassination either shortly after escape from prison and lived off it for a while or after the assassination, he certainly never gained any benefit from that money or at least no benefit we have been able to find.

Mr. FITHIAN. That was my point. There was one time in executive session we explored the possibility of the \$50,000 offer to kill Dr. King, and lots of things like that, and at this point it doesn't seem like there is any possibility. It just seems like the absence of it.

Everywhere we have looked rules out any real possibility of a substantial amount of money being involved in the King case.

Mr. BLAKEY. We have to be candid about it, the possibility that is ruled out is that he was paid and made an effort to use it. He escaped in a bus, in an airplane. When he was in England he clearly engaged in one effort to make a petty robbery. He was unsuccessful. He engaged in another bank robbery. If he had had substantial funds in hand at that time, it is most unlikely that he would have risked capture by engaging in what amounted to petty criminal activity.

Candor also requires us to acknowledge that it is not unusual in the criminal underworld for more than a conspiracy to kill to be involved. Sometimes there is just a falling out among conspirators and the best laid plans include fraud on the triggerman. It is ironic to say it, but there are a lot of trigger men who go through with the contract and then are not paid.

It could very well be possible from the level of speculation that there was a conspiracy, the agreement was made to pay the money and the contract fell apart for one reason or another, and Ray was then forced to flee before he felt safe enough to arrange to make the meeting.

What we have here is negative evidence, and negative evidence is never ultimately satisfactory unless you are able to establish positive evidence of what really happened. It is also possible tomorrow that new evidence would be developed that would indicate something else happened.

Mr. FITHIAN. Thank you.

Mr. BLAKEY. If we may look ahead, as the evidence unfolds, particularly in the latter part of the committee's hearing, the latter part of November, first part of December, the committee and of course the American people will have a clearer understanding of what likely happened in this situation.

You are quite right in assuming that the financial evidence is essentially negative. If there was a conspiracy, there is no evidence that he received a payoff.

Mr. FITHIAN. Thank you, and thank you, Mr. Chairman.

Chairman STOKES. Mr. Blakey, isn't it also a logical part of the investigation in terms of a conspiracy where finances are involved to look for other ways in which the payoff may have been concealed, that is, through the routing of funds through other family members, et cetera?

Mr. BLAKEY. We have done what would amount to a net worth investigation of all the local people through whom a payoff could have been made. We looked very carefully at all the family finances. Ray was essentially a lonely man. He did not have a wide

group of acquaintances or friends. That made our investigation somewhat easier, the number of people we could look to, and the committee has looked.

We have looked, for example, at housing purchases to see if any money had been filtered into that. It just was not there.

It is also true to say that the Ray family is not a wealthy family. There is no evidence of a sudden increase in wealth or change in life style by those people who could have been holding James Earl Ray's money for him.

In candor, one has to admit, though we didn't find it, it could well have been that it was paid and put in a bank account that we didn't find, but that is a "could have been." It is pure speculation and ought not to be the subject of a headline based on the fact that I say it could have been. There is no evidence for it.

Chairman STOKES. Is there anything further?

The Chair is informed that there are no additional witnesses to be presented today, and my understanding is that the Kennedy Subcommittee will meet in executive session tomorrow at 10 a.m.

When we conclude the hearings today, then the committee will adjourn until 9 a.m. on Friday morning, at which time the committee will commence the investigation of the performance of the agencies. The initial proceedings will relate to the FBI.

There being nothing further at this time, the committee is adjourned until 9 a.m. Friday morning.

[Whereupon, at 10 a.m. the committee adjourned, to reconvene at 9 a.m., Friday, November 17, 1978.]



